

INITIAL DISCLOSURES AND DISCOVERY

Regarding the deadline for trial and contents of initial disclosures, see Trademark Rules 2.120(a)(1) and (2)(i), and TEMP § 401.02. Regarding deadlines for serving and responding to discovery, see Trademark Rules 2.120(a)(2) and TEMP § 401.03. Certain provisions of Fed. R. Civ. P. 26 are applicable in modified form. Note that written discovery (interrogatories, requests for production, requests for admissions) must be served early enough so that responses will be due no later than the close of discovery. Regarding the scope and limits of discovery, see TEMP § 4.4. Discoverable items may include documents, tangible things, and electronically stored information (ESI).

MOTIONS

Certain provisions of Fed. R. Civ. P. 11 apply to all submissions in Board proceedings. See TEMP § 127.02. Regarding available motions, see TEMP Chapter 100. Regarding applicable deadlines to respond to motions, depending on the motion filed, see Trademark Rules 2.127(a) and (c)(1). When a party timely files a potentially dispositive motion the proceeding is suspended with respect to all matters not germane to the motion. See Trademark Rule 2.127(b). In addressing motions or other filings, if it appears to the Board that a telephone conference would be beneficial, or upon request of one or both parties, the Board may schedule a conference. See Trademark Rule 2.120(c)(1) and TEMP § 102.06(a).

PRETRIAL DISCLOSURES, TRIAL, AND BRIEFING

Regarding the procedures and deadlines for pretrial disclosures and trial, and specifically the retelling, taking, serving and submitting of evidence and testimony, see Trademark Rules 2.120(a), 2.121, 2.122, 2.123 and 2.125, as well as TEMP Chapter 200. The parties should review those authorities. For example, witness testimony may be submitted in the form of affidavit or declaration subject to the right to oral cross examination; transcripts of testimony made with exhibits, must be served on each adverse party within thirty (30) days after completion of taking the testimony; certified transcripts and exhibits must be filed with notice of each filing served on each adverse party; and all notices of reliance must be submitted during the submitting party's assigned testimony period and must indicate generally the relevance the evidence and associate it with one or more issues.

Main briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing is not required, but will be scheduled upon separate notice timely filed pursuant to Trademark Rule 2.128(a). Regarding briefs and oral hearings, see TEMP § 801.402.

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: (1) pages must be legible and easily read on a computer screen; (2) page orientation should be determined by its ease of viewing relevant text or evidence,

for example, there should be no sideways or upside-down pages; (3) pages must appear in their proper order; (4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers – and (5) the entire submission should be last-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.120. Submissions failing to meet all of the criteria above may require re-filing. Note: Parties are strongly encouraged to check the entire document before filing. The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the please visit the [USPTA](https://www.uspto.gov) help page.

LEGAL RESOURCES AVAILABLE AT WEB PAGE

For a general description of Board proceedings, see TEMP § 102.03. Proceedings are governed by the Trademark Rules of Practice in Parts 4 and 7 of Title 37 of the Code of Federal Regulations. These rules, the Manual of Procedure (TEMP), information on Accelerated Case Resolution (ACR) and Alternative Dispute Resolution (ADR), and many Frequently Asked Questions, are available on the Board's web page at: <https://www.uspto.gov>. The parties should check the web page for important changes, announcements, etc., many of which apply to proceedings already in progress.

PARTIES WITHOUT A U.S. DOMICILE MUST SECURE U.S. COUNSEL

Effective August 1, 2019, the USPTO amended its rules to require applicants, registrants or parties to a proceeding whose domicile is not located within the U.S. or its territories to be represented by an attorney who is an active member in good standing of the bar of the highest court of a state in the U.S., including the District of Columbia or any Commonwealth or territory. Attorney information requires applicant's appointed attorney to provide email and bar information as follows: Year of admission, State or territory of admission and, bar number if one is issued. BA FR 31.698 (Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants, July 2, 2019). Until EOSTA forms are available which will mark the bar information, an attorney may file the required information through EOSTA and select "confidential." A filing under "confidential" is not made available for public viewing.

NOTICE BOARD OF ALL PENDING ACTIONS

If the parties are, or during the pendency of this proceeding become, parties in another Board proceeding or a civil action involving the same or related marks, or involving any issues of law or fact which are also in this proceeding, they shall notify the Board immediately. See Trademark Rule 2.106(b)(3). The Board will consider, and/or suspend related Board proceedings, as appropriate. See Trademark Rule 2.117(a). TEMP §§ 510 and 511.

This proceeding is similar to a civil action in a federal district court and can be complex. The Board strongly advises all parties to secure the services of an attorney who is familiar with trademark law and Board procedures. The Board cannot act in the selection of an attorney. See TEMP § 1.14.02. The Board requires strict compliance with all applicable authorities whether or not the party is represented by counsel.

¹ To facilitate accuracy, EOSTA provides thumbnails to view each page before submitting.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
OPPOSITION No. 9125288

-----X-----
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com
Opponent:
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com
Applicant:
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com

ANSWER

Applicant, Steven Ray Gidhals, ("Applicant"), hereby answers the Opposition brought by Respondent, Abercrombie & Fitch Trading Co. ("Opponent") to its application for Applicant design logo ("Giant Bear"), as follows:

AS TO THE NOTICE OF OPPOSITION

ON FACTS

- Opponent is without knowledge or information sufficient to form a belief as to the truth of the statements cited in paragraph 1 of the Notice of Opposition and, therefore, denies the same.
- Pan No. 2, needs no response.
- Pan No. 3, needs no response.
- Pan No. 4, needs no response.
- Pan No. 5, needs no response.
- Pan No. 6 is incorrect, hence denied. But marks are entirely different in design, appearance and sound therefore does not constitute an evidence against Applicant mark.
- Pan No. 8, needs no response.
- Pan No. 9 is incorrect, hence denied.
- Pan No. 10 is incorrect, hence denied.
- Pan No. 11 is incorrect, hence denied.
- Pan No. 12 is correct.
- Pan No. 13 is incorrect, hence denied. Opposer does not fail under the definition of famous brand.
- Pan No. 14, needs no response.
- Pan No. 15, needs no response.
- Pan No. 16 is incorrect, hence denied. Applicant mark and opposer mark are entirely different in design, appearance and by text names, therefore no confusion between the marks can be seen.
- Pan No. 17, needs no response.
- Pan No. 18 is incorrect, hence denied.
- Pan No. 19 is incorrect, hence denied.

Pan No. 20 is incorrect, hence denied.

Pan No. 21 is incorrect, hence denied.

Opponent is without knowledge or information sufficient to form a belief as to the truth of the statements and, therefore, denies the same.

Grounds of Opposition

- Trademark Act Section 2(a)
- Trademark Act Section 2 and 4(b)

Opposer claimed the priority and likelihood of confusion on the basis of Trademark Act section 2(a) and 4(b) by stating Trademark Act section 2 and 4(b), however, Opposer trademark has no similarity or likelihood with the Applicant mark neither the opposer mark is a famous mark or well known mark. Therefore, Opposer claims have no legal standing to file the opposition, hence no grounds and denied the same.

Applicant Replies,

Each of the above Pan factors may be considered in weighing likelihood of confusion, if raised, and any one may be dispositive, especially where due copy factor is dissimilarity of the marks. See TEMP § 1207.1. See also Champagne Louis Roederer S.A v. Delacour Vineyards, 148 F.3d 1173, 1175 (Fed. Cir. 1998).

AFFIRMATIVE DEFENSES

- Opposer has failed to state a claim upon which relief can be granted.
- Opposer lacks standing, and Opposer's claims are barred, in whole or in part.
- Opposer mark and Applicant marks are entirely different in its statistics. Therefore, different design and shape and thus doesn't look similar or identical.

POWER OF ATTORNEY

I, a hereby appoint
Name: Steven A. Shumway
Law Firm: Steven A. Shumway
Address: 601 S Federal Highway (Hollywood, FL 33020)
Email: shumway@shumway.com
As my lawful attorney, with full power of substitution and revocation, and hereby authorize him to represent me in the Trademark Trial and Appeal Board.
Signature:
Steven A. Shumway
Steven A. Shumway
P.O. Box 1451
General Counsel Number: 912-525-0808
info@shumway.com

CERTIFICATE OF SERVICE

I, a hereby certify that a true and correct copy of the foregoing Answer & Affirmative Defenses and this POA have been transmitted and caused to be deposited by their address of record by Email on this date.

Date: May 14, 2020

Respectfully Submitted
Steven Ray Gidhals

Through Attorney
Stanley A. Shumway
info@shumway.com
United Legal Experts
401 S Federal Highway,
Hollywood, FL 33020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
Change of Correspondence Address

Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com

Please change the correspondence address for the above party from as follows:

Old Correspondence Address:
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com

New Correspondence Address:
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com

Certificate of Service

The undersigned hereby certifies that a copy of this filing has been served upon all parties, at their address of record by Email on this date.
Respectfully submitted,
info@shumway.com
info@shumway.com

Trademark Trial and Appeal Board Electronic Filing System <https://www.uspto.gov>
EOSTA Tracking number: EOSTA#03832
05/14/2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com
Opponent:
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com
Applicant:
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com

4. More similar family may be the only shared element with marks, containing common elements are not likely to be confused if "the matter common to the marks is not likely to be perceived by purchasers as distinguishing source because it is merely descriptive or diluted." TEMP § 1207.01 (b)(6), see, e.g., Sher Mill Co. v. Ritz Hotel Ltd., 393 F.2d 1258, 73 USPQ 2d 1390 (2nd Cir. 2004).

5. The Opposer will not suffer any loss or damage because of the registration of Applicant's mark.

WHEREFORE, Respondent prays for the Opposition to Application No. BEOS046 to be denied, and that the Trademark Trial and Appeal Board grant such other and further relief as it deems just and appropriate.

Date: May 14, 2020

Respectfully Submitted
Steven Ray Gidhals

Through Attorney
Stanley A. Shumway
United Legal Experts
info@shumway.com
401 S Federal Highway,
Hollywood, FL 33020

Trademark Trial and Appeal Board Electronic Filing System <https://www.uspto.gov>
EOSTA Tracking number: EOSTA#03832
05/14/2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
Consent Motion for Suspension for Settlement

Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com

Please change the correspondence address for the above party from as follows:

Old Correspondence Address:
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com

New Correspondence Address:
Respondent:
Abercrombie & Fitch Trading Co.
6001 Peach Park New Albany,
OH 43054 (United States)
info@abcfitch.com

The undersigned hereby certifies that a copy of this filing has been served upon all parties, at their address of record by Email on this date.
Respectfully submitted,
info@shumway.com
info@shumway.com

1. Parties are engaged in settlement discussions.

2. The undersigned hereby certifies that a copy of this filing has been served upon all parties, at their address of record by Email on this date.

Respectfully submitted,

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04/22 - 1:19 PM		Status Search On 2/8/2011	
ID# - Primary Case Case Name: AC708 Book# 10 Date Rec'd: 01/28/2011		O-8 Check# 102 Date Rec'd: 01/28/2011	
# Basic Information (Click Label)			
First Name: _____ First MI: _____ First Last: _____ First Name: _____ First MI: _____ First Last: _____		Currently Mail: Yes Currently FID: No Currently MBI: No Currently No Basic: No	
# Current Correspondent Information			
Owner Name: _____ Owner Address: _____ Owner City: _____ Owner State: _____ Owner Zip: _____ Legal Entity Type: CORPORATION		State or Country Name: OREGON Organized: _____	
# Attorney/Correspondence Information			
Attorney of Record Attorney Name: _____ Attorney Address: _____ Attorney City: _____ Attorney State: _____ Attorney Zip: _____		Attorney Email Authorized: Yes	
Correspondent Correspondent Name: _____ Correspondent Address: _____ Correspondent City: _____ Correspondent State: _____ Correspondent Zip: _____			
Correspondent e-mail: _____ Correspondent e-mail: _____ Correspondent e-mail: _____		Fax: 610-765-8330 Authorized: _____ Authorized: _____	
Domestic Representative Domestic Representative Name: _____ Domestic Representative Address: _____ Domestic Representative City: _____ Domestic Representative State: _____ Domestic Representative Zip: _____			
Domestic Representative e-mail: _____ Domestic Representative e-mail: _____ Domestic Representative e-mail: _____		Fax: 610-765-4323 Authorized: _____ Authorized: _____	
# Prosecution History			
Description: _____ Date: 01/28/2011 Date: 01/28/2011 Date: 01/28/2011 Date: 01/28/2011		Proceeding Number: _____ Proceeding Number: 19-001 Proceeding Number: 19-001 Proceeding Number: 19-001	

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▼ TM Staff and Location Information

Set Identification - None

File Location Current Location: GENETIC WEB UPDATE Date in Location: Apr. 07, 2015

▼ Assignment Abstract Of Title Information - Click to Load

▼ Proceedings - Click to Load

Joint Stipulations of Facts
Exhibit 11

Abercrombie & Fitch Trading Co. v.
Srinivasa Rao Gubbala
Opposition No. 91255288
Offering Party: Abercrombie & Fitch
Trading Co.

1 Lilian Khourati SRN 315550
2 Law Office of Lilian Khourati
3 1080 Torrey Center Dr. Suite 200
4 Channah, CA 93036
5 (805) 428-1253
6 Liliana.khourati@law.com

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Attorney for Opposer

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Alcoveville & Fitch Trading Co., Opposition No. 91257288
Opposer, Serial No. H0554664
v. _____
Savanna Rae Gubinski
Appellant

RESPONSE TO OPPOSERS FIRST SET OF INTERROGATORIES

IDENTIFY THE PERSONS MOST KNOWLEDGEABLE WITH RESPECT TO APPLICANT'S SELECTION, CREATION, DESIGN AND ADOPTION OF APPLICANT'S MARK. FOR EACH PERSON IDENTIFIED, THEIR RESPECTIVE AREA OF KNOWLEDGE SHOULD BE BRIEFLY SUMMARIZED.

RESPONSE:

Objection. INTERROGATORY No. 1 is compound and overbroad.

Subject to and without waiving the foregoing objections respondent response as follows:

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Seitronics Ruo Gabbala

INTERROGATORY NO. 2:

Identify and describe the basis relating or referring to the selection, creation, design, or adoption of Applicant's Mark, including, without limitation, the reasons for and date of the selection, creation, design, or adoption, and the identity of all persons (including Third Parties) who participated.

RESPONSE:

Object: INTERROGATORY NO. 2 is compound and overbroad.

Subject to and without waiving the foregoing objections respondent response as follows:

Applicant has a strong love with the birds and nature and wished to create a floating brand centered around a bird to be known. Applicant specifically selected the gannet because of symbolism for bravery and courage. The mark includes a fish within the beak of the gannet to showcase the gannet as a sporty nature. Given that applicant sells sports wear, the gannet fish particularly appropriate. The gannet is also sleek and elegant bird which translates well into what applicant felt individuals would be interested in for their clothing.

INTERROGATORY NO. 3:

Identify and describe facts relating to Applicant's past, current, proposed, or contemplated use of Applicant's Mark in the United States, including all uses of the marks by Applicant, and dates of such use.

RESPONSE:

Object: INTERROGATORY NO. 3 is compound and overbroad.

Subject to and without waiving the foregoing objections respondent response as follows:

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1 Applicant intends to use the mark in combination with the brand name Gannett Fibers
2 Applicant intends to sell its products through e-commerce platforms and promotes its mark
3 through social media accounts.

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INTERROGATORY NO. 4:

1 Identify all Third Parties through which Applicant has distributed, marketed, promoted,
2 sold, offered for sale, or intends to sell goods bearing Applicant's Mark.

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RESPONSE:

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1 Object: INTERROGATORY NO. 4 is compound and overbroad.

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1 Subject to and without waiving the foregoing objections respondent response as
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1 Applicant has not yet started sales in USA. Applicant promotes its brand on its
2 social media accounts on Twitter, LinkedIn, Instagram, and Facebook. Applicant intends
3 to sell its goods through e-commerce platforms including Amazon, Walmart's online
4 platform, and other e-commerce platforms.

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INTERROGATORY NO. 5:

1 Identify and describe any and all, including all distribution and marketing channels
2 of sale, that Applicant markets, promotes and offers for sale, or intends to market,
3 promote and offer for sale, any goods or services bearing Applicant's Mark in the United
4 States, including but not limited to brick and mortar retail locations, social media, you
5 tube, and Third Party websites.

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RESPONSE:

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1 Object: INTERROGATORY NO. 5 is compound and overbroad.

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1 At this time Applicant intends to sell their goods through 3rd party e-commerce
2 platforms, social media channels and their own website.

1 **RESPONSE TO APPLICANT'S MARK:**

2 Identify any and all Third Parties that have assisted in the sale, offer for sale, promotion,

3 marketing, manufacture, distribution, or design relating to goods or services bearing

4 Applicant's Mark.

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6 **RESPONSE:**

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8 **OBJECTION, INTERESTORY NO. 6:** is compound, vague and confusing as to the

9 word "assisting", and overbroad.

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11 Subject to and without waiving the foregoing objections respondent response as

12 follows:

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14 Applicant has currently "assisted" in the sale, offer for sale, promotion,

15 marketing, manufacture, distribution, or design relating to goods or services bearing

16 Applicant's Mark.

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18 **INTERESTORY NO. 7:**

19 With respect to the applicant-for-dispute intended to be sold or intended to be offered for sale

20 under Applicant's Mark, describe in detail any and all plans and steps taken to commence

21 use of the mark in connection with the applicant for goods.

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23 **RESPONSE:**

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25 **OBJECTION, INTERESTORY NO. 7:** is compound and overbroad.

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27 Subject to and without waiving the foregoing objections respondent response as

28 follows:

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30 Applicant is in communication with several manufacturing companies in

31 preparation for manufacturing the goods for its brand Grand Fuller. Applicant wishes to

32 sell its brand through the website www.grandfuller.com as well as

33 through a cell phone application. Marketing has notly begun through applicant's social

34 media channels.

35

36 **INTERESTORY NO. 8:**

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38 State all facts and information that you contend dispute or conflict any allegation

39 contained in the Notice of Opposition filed in this Proceeding.

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RESPONSE:

Object: INTERPRETATION NO 8 is a compositionally muddy hand-drawn, vague and confused as to which interpretations are being questioned, asked about, and reinforced.

Subject and without waiving what the foregoing objections respondent response as follows:

Both marks are entirely different in design, appearance as in the companies completely differ when the brand names are spoken. Indeed, the marks descriptions are entirely different from each other.

Applicant Description of mark: The mark consists of a black and white solid with a wavy line and a wavy line below it. The wavy line has a black fish in its mouth.

Opponent description of mark: The mark consists of a microscopically design with a contrasting border below the fish, although no color is claimed.

When it speaks, it measures 2 meters in width. Gametes also swim and fly around their entire lives in and above the sea, only coming to land to mate.

The applicant's mark tracks the fish and catches it by making a so-called jagged line. In order to seize it, the fish, the animal dives under the water from the surface to a height of 100 kilometers per hour. The fish is a black fish with a black fish in its mouth. The speed close to 100 kilometers per hour, clearing through the water surface like a living torpedo.

The opponent's marks relate to the family of Gulls, or colloquially speaking, which are seabirds of the family Laridae in the suborder Lani. They are thus (closely related to) the family Laridae and only distantly related to sharks, dinosaurs and even more distantly to rodents.

As such, the very animals that the marks that applicant want to completely differ from each other. The applicant emphasized more by the fact that opponent's brand is also named for the Gannet fish.

The applicant's mark consists of a black and white fish with an upright oriented wavy line and a wavy line below it. The wavy line has a black fish in its mouth. The bird logo is separated through colors, and therefore showing clearly at least through tale and the wings.

The opponent's mark consists of a shark, a shark with a dorsal fin, a contrasting border, and outspread wings folded downwards. Opponent's brand has no sex, breed, feathers, colors, ornaments or designs on board. The mark is not claimed as part of

MOTION FOR ORDER TO COMPEL DISCLOSURE

1 design, the design itself cannot be made to look exactly like Applicant's mark, nor even

2 resemble it.

3

4 **INTERVIEWATORY NO. 9:**

5 Identify each person with knowledge as to facts underlying your claims or defenses in this

6 proceeding.

7 **RESPONSE:**

8

9 Object. INTERVIEWATORY NO. 9 is compound and overbroad.

10

11 Subject to and without waiving the foregoing objections respondent response as

12 follows:

13

14 *Minimera Raa Gahdaha*

15

16 **INTERVIEWATORY NO. 10:**

17 State all facts that support Applicant's contention that the Applicant's Mark and Opponent's

18 Marks are not similar.

19

20 **RESPONSE:**

21

22 Object. INTERVIEWATORY NO. 10 is vague and confusing as to which of

23 Opponent's marks are called into question, and overbroad.

24

25 Subject to and without waiving the foregoing objections respondent response as

26 follows:

27

28 The gamet is the largest located in the North Sea region. When it spreads its wings,

29 measures 2 meters in width. Gametis also fly and fly almost their entire lives in and

30 above the sea, only coming to land to roost.

31

32 The gamet tracks its wings from the ear and catches it by making a so-called jabbing

33 movement. The wings are 20 to 30 cm long and 10 to 15 cm wide. The wings are

34 30 meters. Folding its wings back and stretching its bill straight down, it reaches a

35 height of 100 kilometers per hour, cleaving through the water surface like a living

36 serpent.

37

38 The response's marks relate to the family of Gahs, or colloquially seagulls, which are

39 not seabirds of the family Laridae to the subfamily Lar. They are most closely related

40 to the family Laridae to the subfamily Lar.

41

42 **MOTION FOR ORDER TO COMPEL DISCLOSURE**

1 items (family/Strain) and only distantly related to cats, skinkners and even more
2 distantly to waders.

3
4 (b) *Applicant's marks* are animals that the marks are based on completely differ from each other, which is only emphasized more by the fact that applicant's brand is also named after
5 the Camelot Palace.

6 The applicant's mark consists of a black and white bear with ornamental ornaments,
7 wings spread, with an orange beak and a blue eye, holding a black fish in its mouth. The
8 bear body is separated through contours, and furrows showing slightly at least through the
9 wings and the wings.

10 The opposite's mark, by contrast, is a shaded hind silhouette with a contrasting
11 white head, a black eye, a black beak, a black body, a black tail, a black head, black
12 feathers, colors, separations or designs on body. Though the color is not claimed as part
13 of the design, the design itself cannot be made to look exactly like applicant's mark, nor even
14 similar.

15
16 **INTERROGATORY NO. 11:**

17 State all facts that support Applicant's contention that the goods in the description for
18 Applicant's Mark and goods covered by Opponent's Marks are not similar.

19 **RESPONSE:**

20 Opponent's INTERROGATORY NO. 11 is comprised, usually banalistic, vague and
21 confusion as to what of Opponent's Marks are being questioned about, and overdone.

22 Subject to and without waiving the foregoing obligations respondent response as
23 follows:

24 However no several marks that they are bringing in this action, including two
25 that fall within class 35, with a focus on bags and jewelry, which completely differs from
26 Applicant's application for footwear. Further, the clothing that is sold by Abernethy
27 & Co. (a fish) is designed to be worn by teenagers and is meant to look fashionable.
28 Abernethy's clothing is not known for being worn in for sport. Applicant's goods are
29 primarily being sought for a sport clothing brand.

30
31 **INTERROGATORY NO. 12:**

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1 Identify any Third Party Marks that support Applicant's contention that no likelihood
2 of confusion exists or will exist between the registration of Applicant's Mark and Opposer's
3 Mark.
4 RESPONSE:
5
6 Objection. INTERGATORY NO. 13 is compound and overbroad, unduly burdensome
7 irrelevant to likely lead to admissible evidence, vague and confusing as to the word
8 "mark" and calls for an improper opinion as to lay witness.
9 Subject to and without waiving the foregoing objections respondent answer as
10 follows:
11
12 The evidence submitted is also in the control of the proponding party.
13
14 INTERGATORY NO. 13:
15 State all facts that support Applicant's contention that no likelihood of confusion exists or
16 will exist between the registration of Applicant's Mark and Opposer's Mark.
17 RESPONSE:
18
19 Objection. INTERGATORY NO. 13 is compound and overbroad.
20 Subject to and without waiving the foregoing objections respondent answer as
21 follows:
22
23 Both marks are entirely different in design, appearance as do the companies
24 combined when the brand names are spoken aloud. The mark descriptions are
25 entirely different from each other.
26
27 **Applicant Description of mark:** The mark consists of a black and white head with
28 a completed jaw, with orange-brown and a blue eye holding a black fish in its mouth.
29
30 **Opposer description of mark:** The mark consists of a mischievous design with a
31 contrasting border shown in white, although no color is claimed.
32
33 Further, the game is the largest sold in the North Sea region. When it spreads its
34 wings, measures 2 meters in width. Gamest also swim and fly about their entire lives
35 and above the sea, only coming to land to breed.
36
37 The game tracks its prey from the air and catches it by making a well-planned
38 dive, collect its prey, the prey is then brought through deep down from a height

[illegible]

Opponent description of mark: The mark consists of a miscellaneous design with a surrounding border showing a swirl, although no color is claimed.

Further, the design is the largest shown in the South Sea region. When it spreads its wings, it measures 2 meters in width. Gannets also fly and fly about their entire lives in this area, continuing to land to eat.

The gannet takes its prey from the air and catches it by making a so-called halting jump. In order to seize its prey, the animal dives straight down from a height of about 30 meters. Facing its wings back and stretching its bill straight down, it reaches a speed close to 100 kilometers per hour, cleaving through the water surface like a living speck.

The opponent's marks relate to the family of Gulls, or colloquially speaking, to the seabirds of the family Lanthier in the suborder Larus. They are most closely related to the gulls, which are only distantly related to swans, albatrosses and even more distantly to waterfowl.

As such, the very animals that the marks are based on completely differ from each other, which is only emphasized more by the fact that the opponent's brand is also called the Gannet Fish.

The applicant's mark consists of a black and white swirl with straight orange strands passing through it. The mark is intended to be used in the form of a stamp. The last bird is separated through colors, and therefore showing clearly at least through lake and sea.

The opponent's mark, by contrast, is a shaded bird silhouette with a contrasting border, and outspread wings folded downwards. The opponent's mark has no eye, beak, or tail, and is not intended to be used as a stamp. Though it is not claimed as part of design, the design itself cannot be used to look exactly like applicant's mark, nor even imitate it.

INTERVENTORY NO. 15:

Identify each person that the applicant intends to sue on a witness during the trial period in this proceeding.

RESPONSE:

Objection. INTERVENTORY NO. 15 is vague and confusing as to which trial period and what kind of witnesses are being called against the opponent.

10

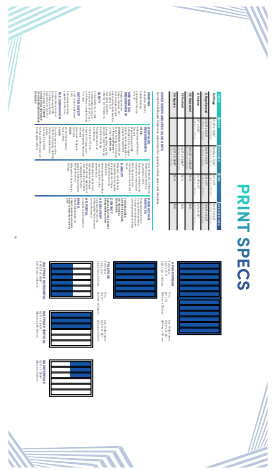
MOTION FOR ORIGINATOR TO COMPEL DISCLOSURE

1 Subject to and without waiving the foregoing objections respondent response as
2 follows:
3
4 At this time, Applicant intends to rely on Srivivasa Rao Gubbala as a witness during
5 the trial period in this proceeding.
6
7
8 Dated: January 12, 2022
9
10 By: s/ Lillian Khoseri
11 Lillian Khoseri
12 Law Office of Lillian Khoseri
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14 Attorney for Applicant
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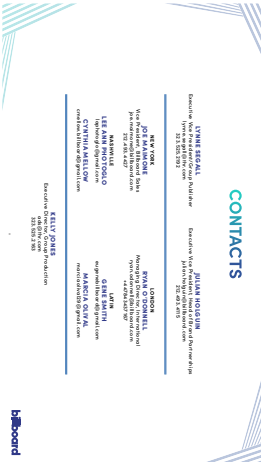
Certificate of Service

I hereby certify that a true and complete copy of the foregoing RESPONSE TO
OPPOSER'S FIRST SET OF INTERROGATORIES, dated January 12, 2022, has been served on
Opponent's Attorney of Record by email at the following address: Simon.kaynor@allegatus.com,
wsp@allegatus.com, WATrademark@allegatus.com, ANF@simon@allegatus.com

Signature: /s/ Lillian Khosravi
Lillian Khosravi
Date: January 12, 2022

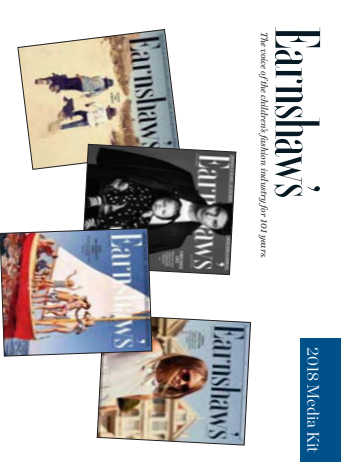


Notice of Reliance
Exhibit 5



Notice of Reliance
Exhibit 7

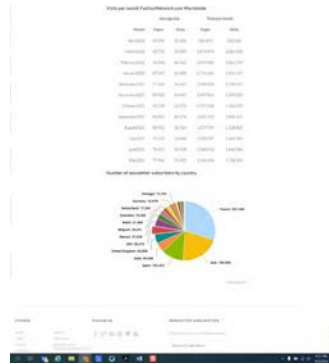
Notice of Reliance
Exhibit 6



The screenshot displays the Fashion Analytics Engine dashboard for the website **Fashionista FashionWeek.com**. The dashboard includes a navigation bar with links like Home, Products, and Analytics, and a sidebar with filters for Date Range, Region, and Category. The main content area features several charts and tables:

- Website Overview**: A bar chart showing website performance metrics (Visits, Conversion Rate, Bounce Rate, etc.) across different regions (North America, Europe, Asia, etc.).
- Website Performance by Category**: A bar chart showing performance metrics for different product categories (Dresses, Tops, Bottoms, etc.).
- Website Performance by Region**: A bar chart showing performance metrics for different regions (North America, Europe, Asia, etc.).
- Website Performance by Date Range**: A bar chart showing performance metrics for different date ranges (Last 7 Days, Last 30 Days, etc.).
- Website Performance by Product**: A table showing performance metrics for individual products, including Product Name, Price, Sales, and Profit.

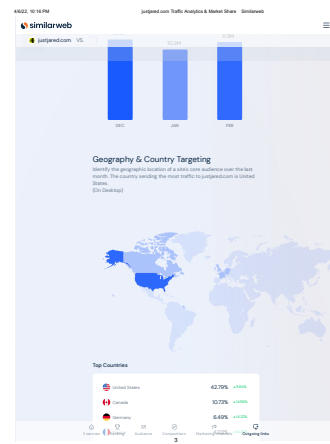
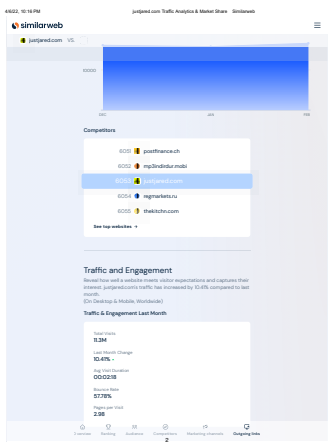
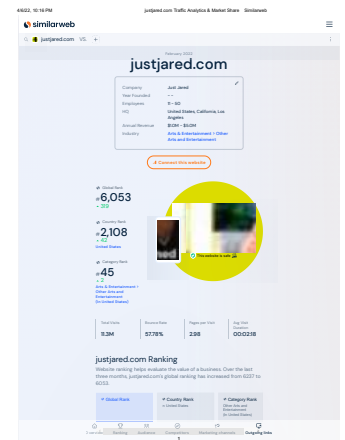
The dashboard provides a comprehensive overview of the website's performance and allows users to drill down into specific metrics and categories for more detailed analysis.



**Abercrombie & Fitch Trading Co. v.
Srinivasa Rao Gubbala**
Opposition No. 91255288
Offering Party: Abercrombie &
Fitch Trading Co.



Abercrombie & Fitch Trading Co.
 Srinivasa Rao Gubbala
 Opposition No. 91255288
 Offering Party: Abercrombie &
 Fitch Trading Co.



Abercrombie & Fitch Trading Co.
Srinivasa Rao Gubbala
Opposition No. 91255288
Offering Party: Abercrombie &
Fitch Trading Co.



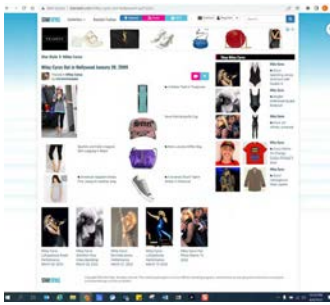
Abercrombie & Fitch Trading Co.
Srinivasa Rao Gubbala

Opposition No. 91255288

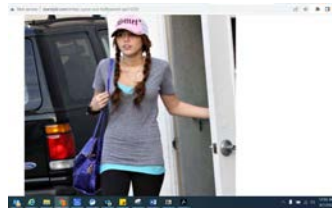
Offering Party: Abercrombie &
Fitch Trading Co.



**Abercrombie & Fitch Trading Co. v.
Srinivasa Rao Gubbala**
Opposition No. 91255288
Offering Party: Abercrombie &
Fitch Trading Co.



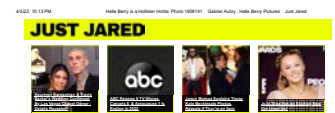
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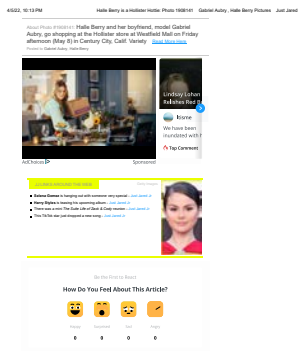
Alexander & Finch Trading Co. v.
Zoriana Ran Gubula
Opposition No. 91252388
Offering Party: Alexander &
Finch Trading Co.

Notice of Reliance
Exhibit 17



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https://www.jared.com/galleries/168217/Halle-Berry-Hollister-Hottie-2011



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Notice of Reliance
Exhibit 18



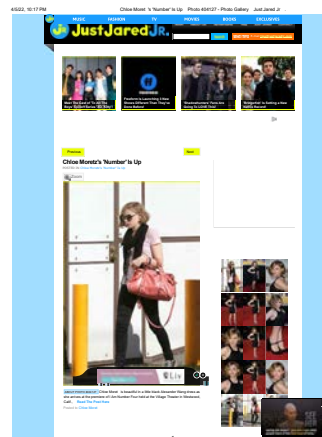
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Alexander & Finch Trading Co. v.
Zoriana Ran Gubula
Opposition No. 91252388
Offering Party: Alexander &
Finch Trading Co.

Notice of Reliance
Exhibit 19



https://www.jared.com/galleries/168217/Halle-Berry-Hollister-Hottie-2011

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Notice of Reliance
Exhibit 20



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Notice of Reliance
Exhibit 21

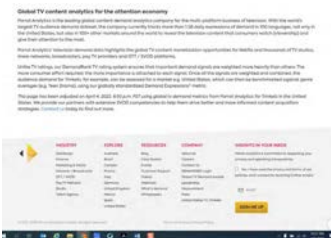
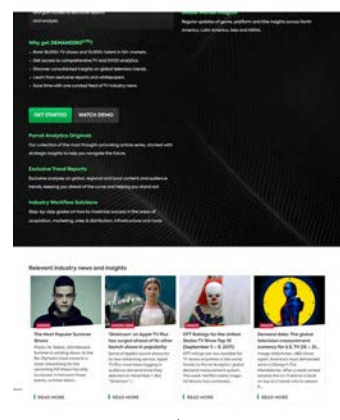
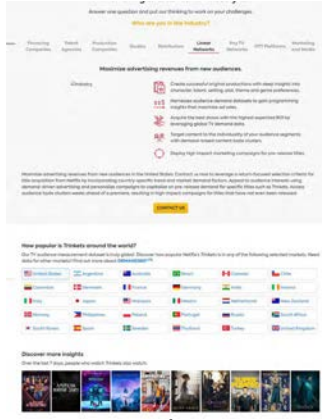


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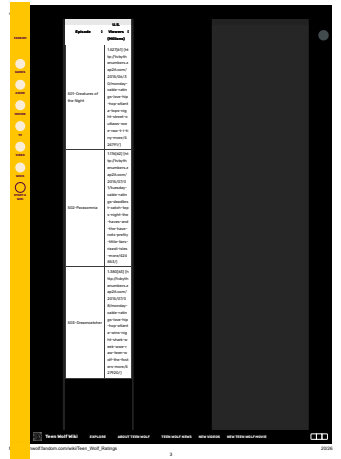
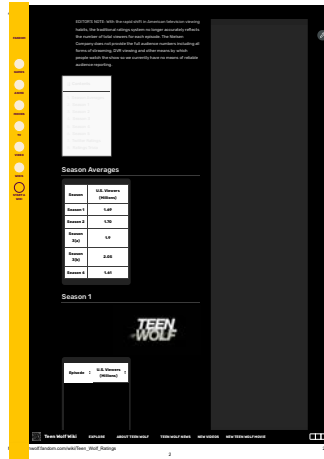
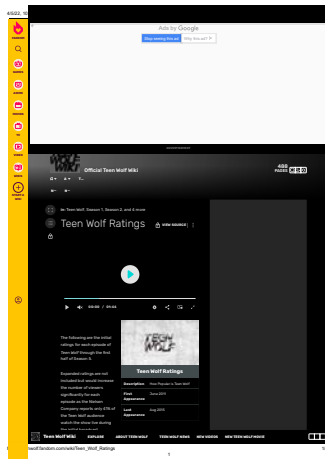
The figure is a collage of four screenshots from different business intelligence dashboards:

- Top Left:** A screenshot of the "DAZN TV audience demand for Trinkets" report. It features a large title, a search bar with "Trinkets" entered, and a "Search" button. Below the title, it says "What's Demanded? Why Demanded? Industry Products Insights".
- Top Right:** A screenshot of the "Trinkets US market report". It includes a "Trinkets US market report" title, a "Trinkets US market report" subtitle, and a "Trinkets US market report" button. It also features a "Trinkets US market report" button and a "Trinkets US market report" button.
- Bottom Left:** A screenshot of the "US market report for the United States". It shows a "2.7x" demand increase, a "US market report for the United States" title, and a "US market report for the United States" subtitle. It also features a "US market report for the United States" button and a "US market report for the United States" button.
- Bottom Right:** A screenshot of the "US market report for the United States". It shows a "US market report for the United States" title, a "US market report for the United States" subtitle, and a "US market report for the United States" button. It also features a "US market report for the United States" button and a "US market report for the United States" button.



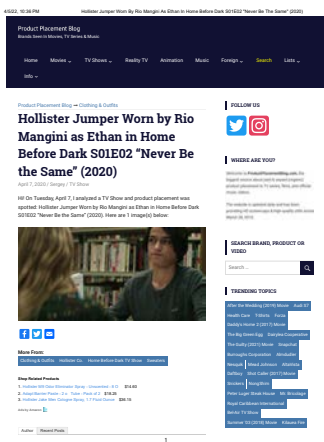
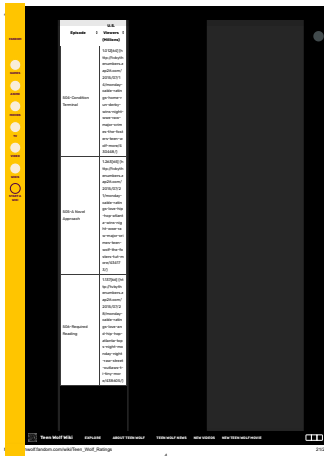
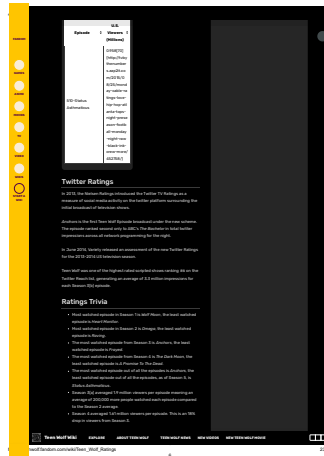
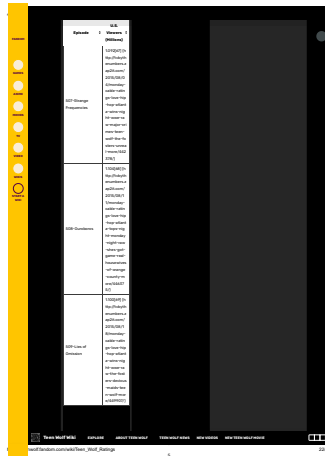
Alexcon & Fish Trading Co. v.
Zentana Ran Gabbala
Opposition No. 91252388
Offering Party: Alexcon &
Fish Trading Co.

Notice of Reliance
Exhibit 26

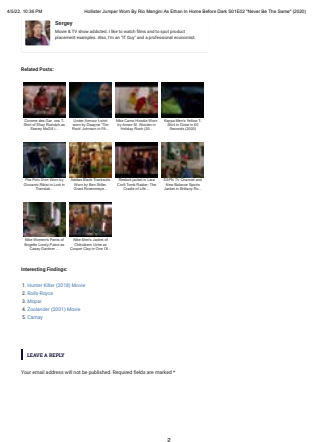


Alexcon & Fish Trading Co. v.
Zentana Ran Gabbala
Opposition No. 91252388
Offering Party: Alexcon &
Fish Trading Co.

Notice of Reliance
Exhibit 27

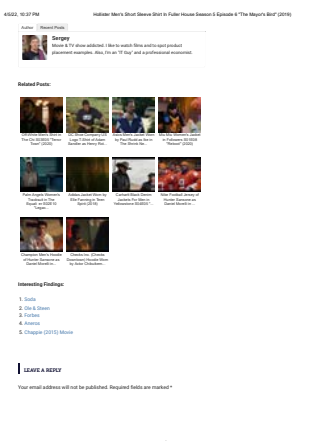


When I upload a video to YouTube, I will upload it to the channel 'Teen Wolf Ratings'.

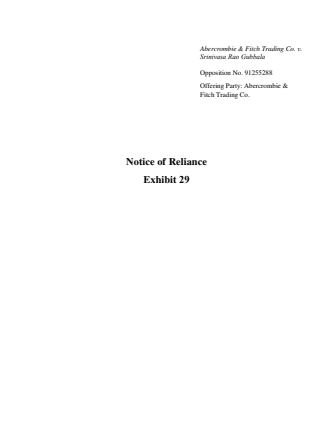


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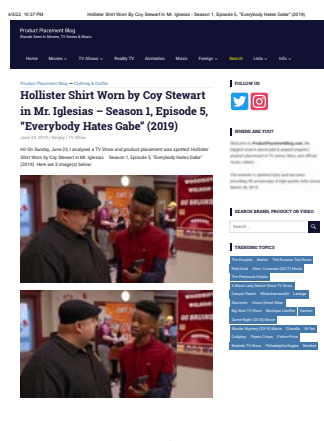
Notice of Reliance
Exhibit 28



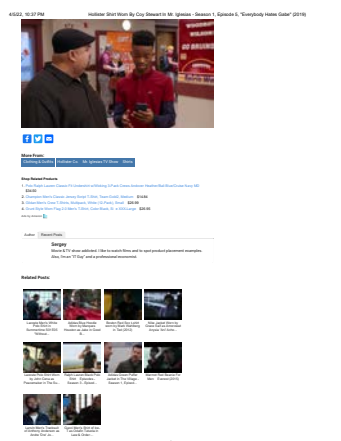
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When I upload a video to YouTube, I will upload it to the channel 'Teen Wolf Ratings'.



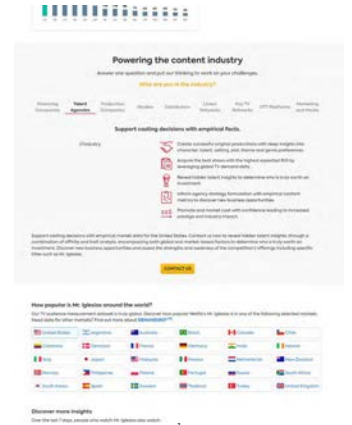
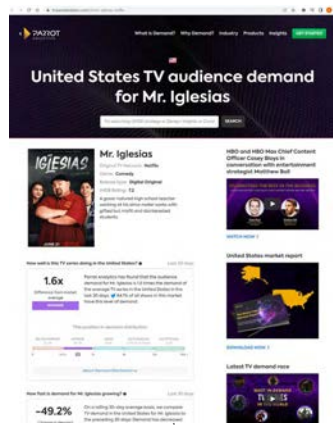
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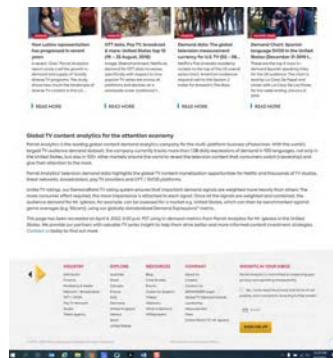
When I upload a video to YouTube, I will upload it to the channel 'Teen Wolf Ratings'.

Alexander & Fish Trading Co. v.
Zemaneh Ras Gabbala
Opposition No. 91252388
Officing Party: Alexander &
Fish Trading Co.

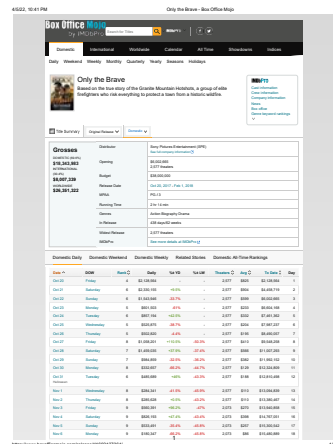
Notice of Reliance
Exhibit 30



Notice of Reliance
Exhibit 31



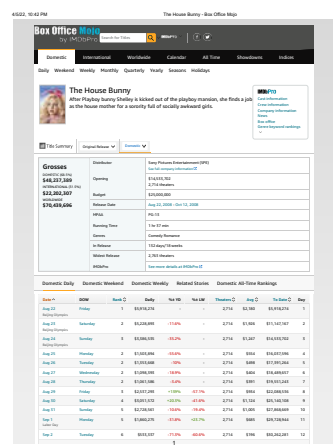
Notice of Reliance
Exhibit 32



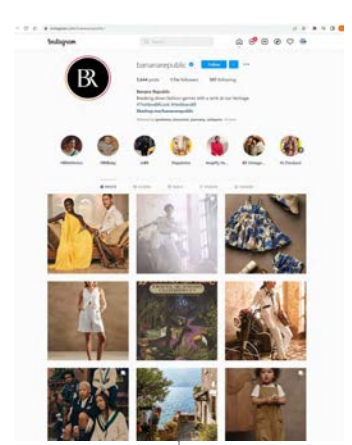
Notice of Reliance
Exhibit 33

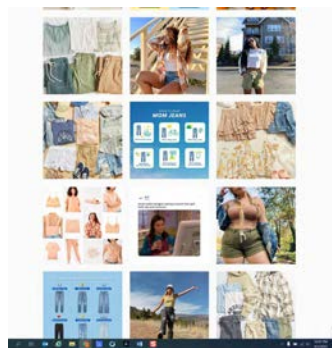
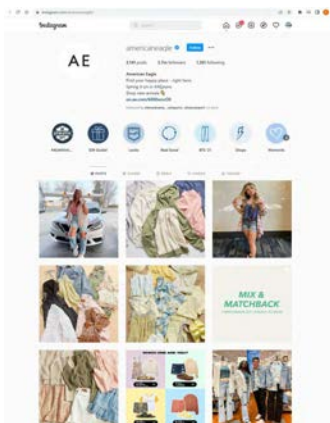
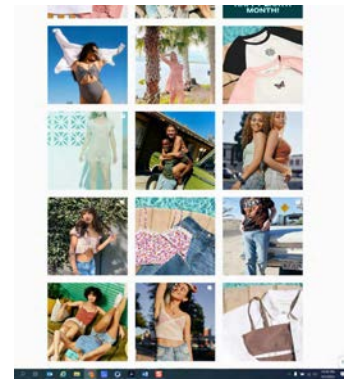
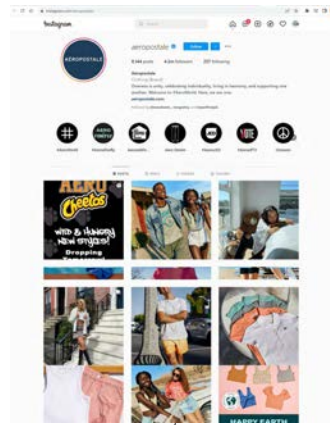
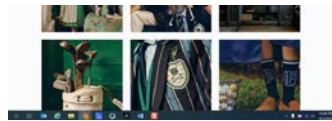
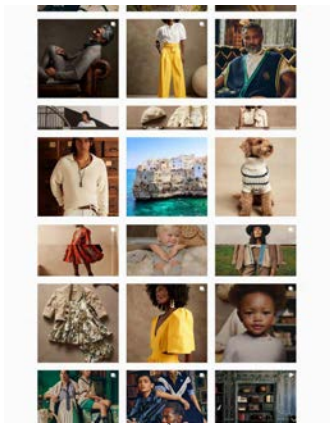


Notice of Reliance
Exhibit 34

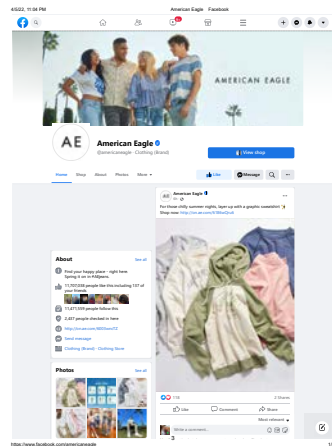
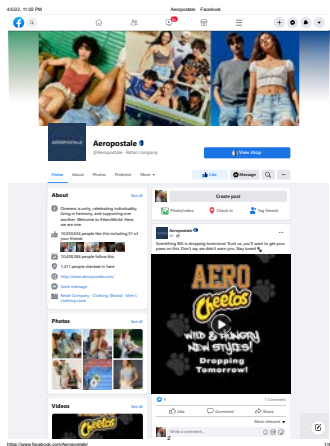
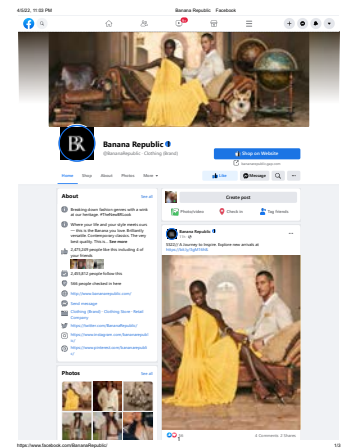


Notice of Reliance
Exhibit 35

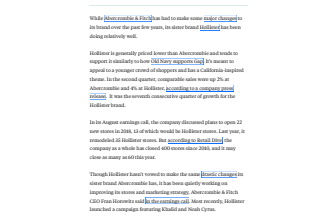
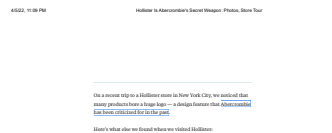
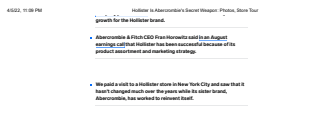
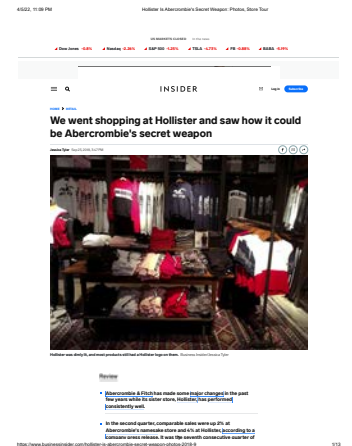


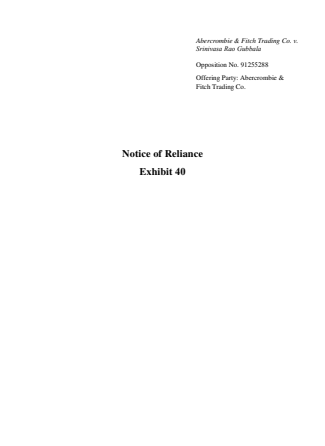
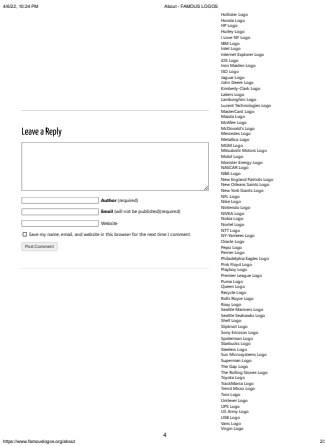
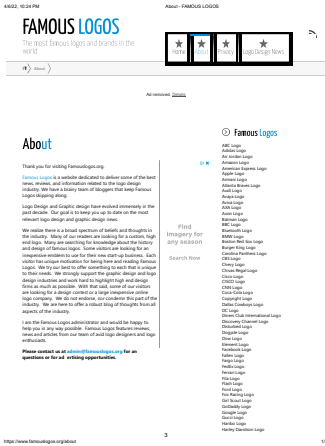
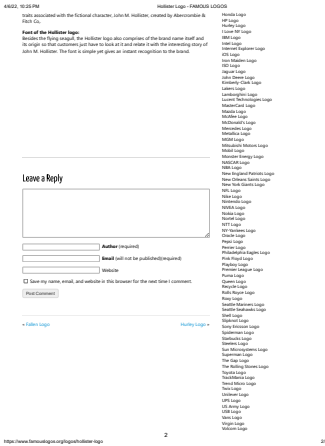
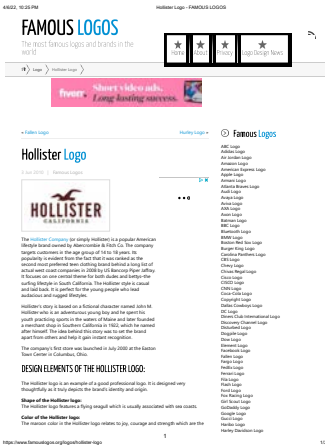
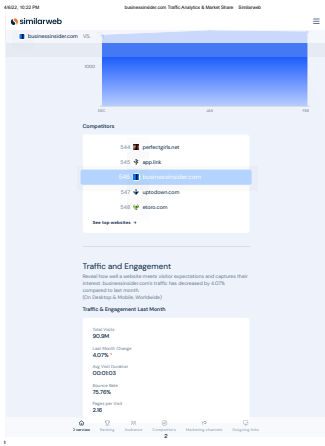
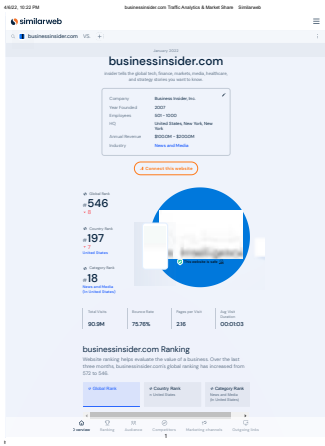
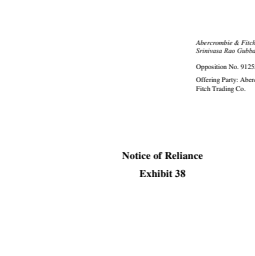
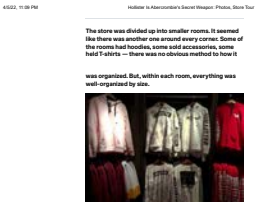
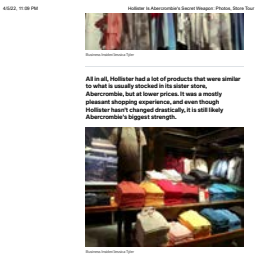
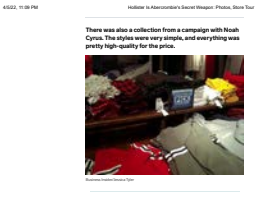
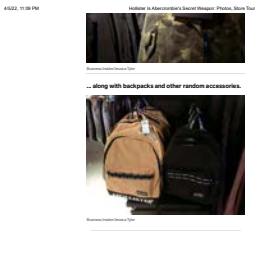
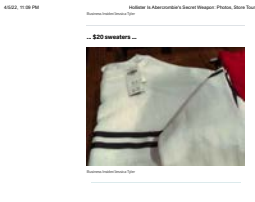
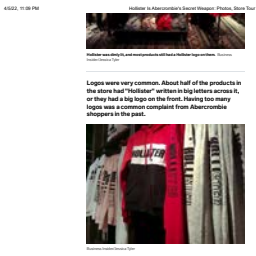
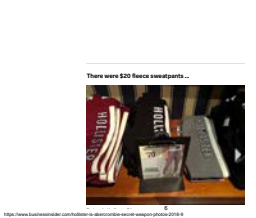
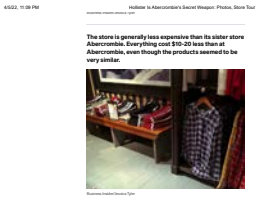


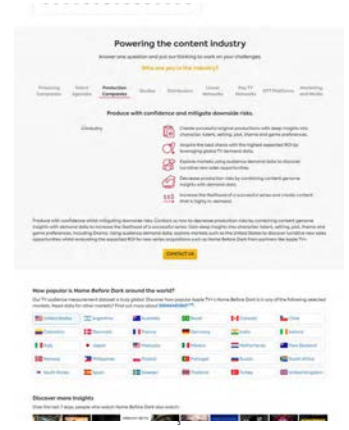
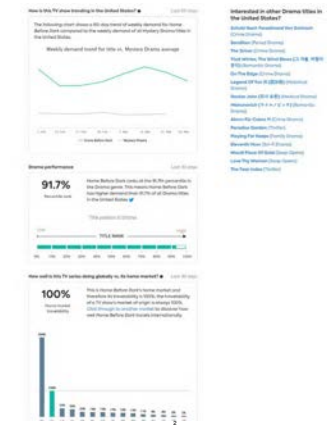
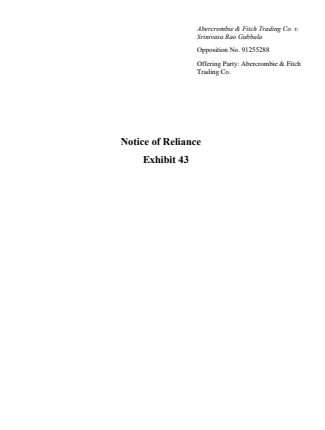
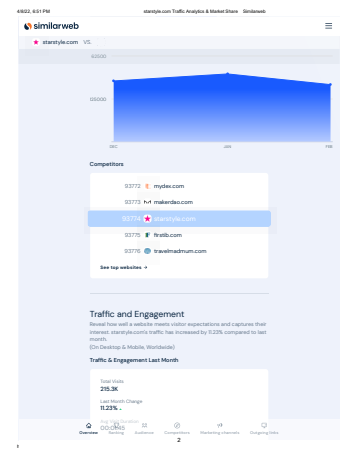
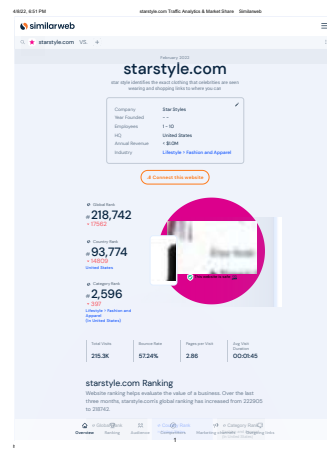
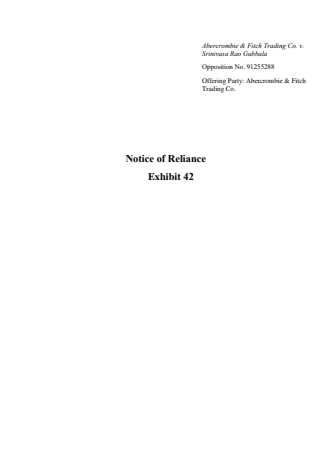
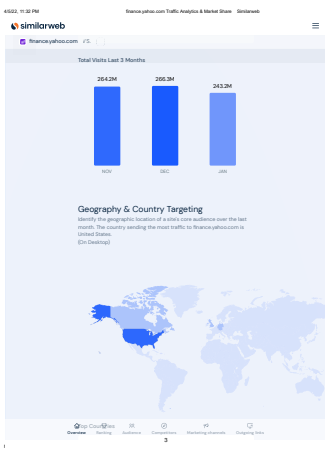
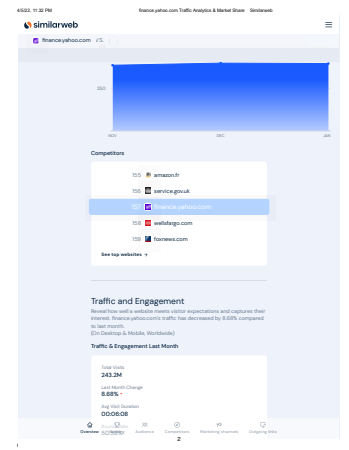
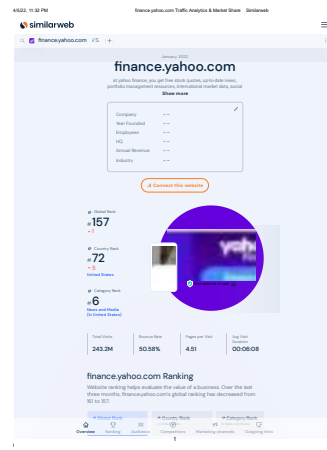
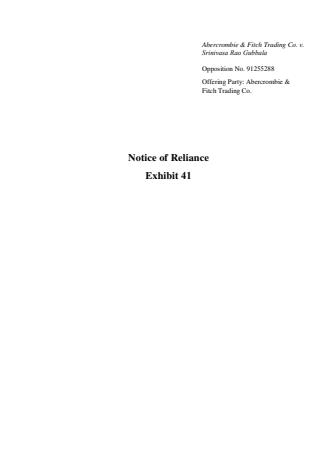
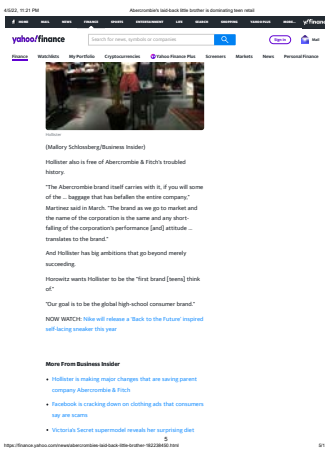
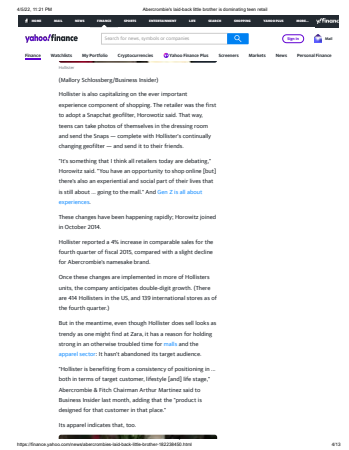
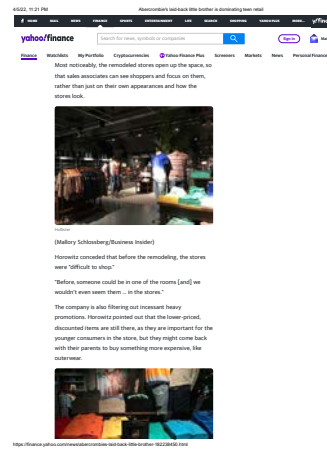
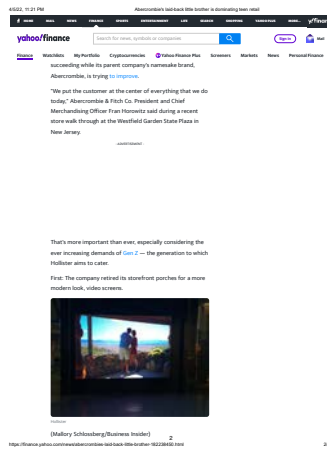
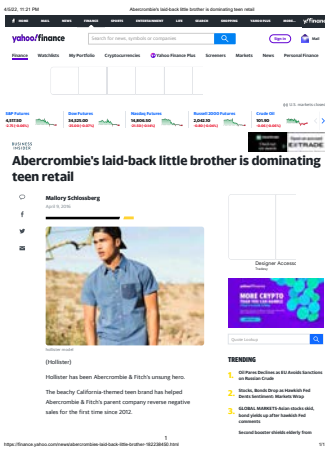
Notice of Reliance
Exhibit 36

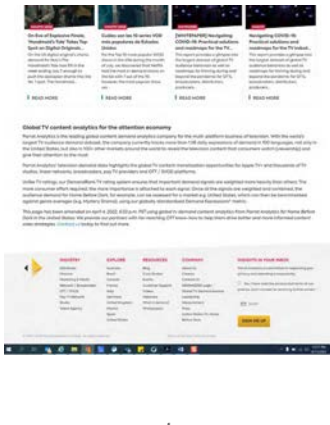


Notice of Reliance
Exhibit 37



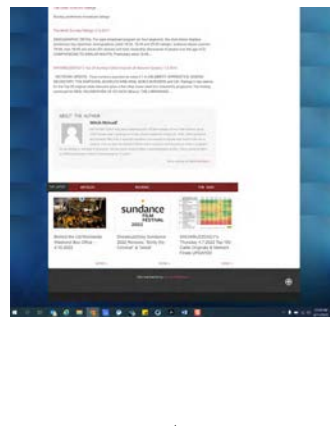






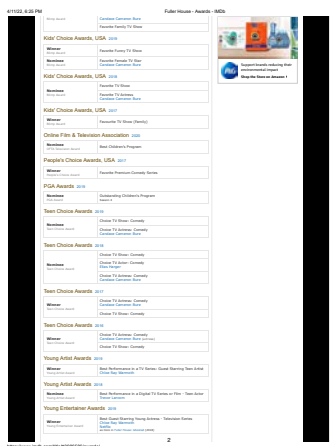
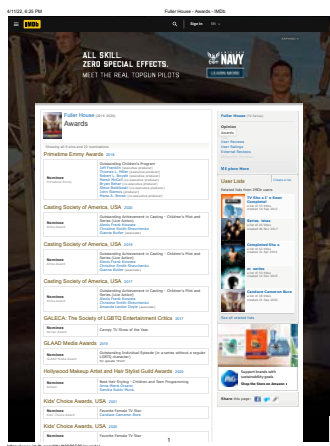
Notice of Reliance
Exhibit 44

Abercrombie & Fitch Trading Co. v.
Srinivasa Rao Gubbala
Opposition No. 91255288
Offering Party: Abercrombie & Fitch
Trading Co.



Notice of Reliance
Exhibit 45

Abercrombie & Fitch Trading Co. v.
Srinivasa Rao Gubbala
Opposition No. 91255288
Offering Party: Abercrombie & Fitch
Trading Co.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
Proponent No.	91255288
Party	Abercrombie & Fitch Trading Co.
Respondent No.	91255288
Party	Srinivasa Rao Gubbala
Address	1001 K STREET, N.E. WASHINGTON, DC 20002
United States	
Primary email	gubbalasrinivasa@gmail.com
Secondary email	gubbalasrinivasa@gmail.com
Phone	202-778-7600
Signature	
File name	gubbalasrinivasa.pdf
Signatures	
Date	06/15/2022
Proponent's Declaration	PREDATED.pdf(1021 bytes)
Respondent's Declaration	PREDATED.pdf(1021 bytes)
Exhibit 1	Exhibit 1.pdf(1021 bytes)
Exhibit 2	Exhibit 2.pdf(1021 bytes)
Exhibit 3	Exhibit 3.pdf(1021 bytes)
Exhibit 4	Exhibit 4.pdf(1021 bytes)
Exhibit 5	Exhibit 5.pdf(1021 bytes)
Exhibit 6	Exhibit 6.pdf(1021 bytes)
Exhibit 7	Exhibit 7.pdf(1021 bytes)
Exhibit 8	Exhibit 8.pdf(1021 bytes)
Exhibit 9	Exhibit 9.pdf(1021 bytes)
Exhibit 10	Exhibit 10.pdf(1021 bytes)
Exhibit 11	Exhibit 11.pdf(1021 bytes)
Exhibit 12	Exhibit 12.pdf(1021 bytes)
Exhibit 13	Exhibit 13.pdf(1021 bytes)
Exhibit 14	Exhibit 14.pdf(1021 bytes)
Exhibit 15	Exhibit 15.pdf(1021 bytes)
Exhibit 16	Exhibit 16.pdf(1021 bytes)
Exhibit 17	Exhibit 17.pdf(1021 bytes)
Exhibit 18	Exhibit 18.pdf(1021 bytes)
Exhibit 19	Exhibit 19.pdf(1021 bytes)


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Abercrombie & Fitch Trading Co.,
Opponent,
v.
Srinivasa Rao Gubbala,
Applicant.

TESTIMONY DECLARATION OF J.J. KRAMER

I, J.J. Kramer, declare as follows.

1. I am the Group Vice President & Associate General Counsel Legal - Intellectual Property for Abercrombie & Fitch Trading Co. and its related companies (collectively "A&F"). I have firsthand knowledge of the facts set forth below, or by virtue of my position am aware of, or have been made aware of through review of company records and documents kept in the ordinary course of business, the following matters:

2. The parent company of Abercrombie & Fitch Trading Co., Abercrombie & Fitch Co., is one of the largest manufacturers, wholesalers and retailers of high quality, casual apparel and accessories for men, women and children with an active, youthful lifestyle in the United States. Since 2003, Opponent's parent company and its predecessors in interest have manufactured and sold high-quality apparel and related accessories in the United States, through its Hollister Co. clothing brand. Since 2003 (nearly two decades), A&F has used its Hollister Bird Mark  as apparel in connection with its Hollister Co. clothing brand.



A&F's Marks

3. A&F uses the marks  subject of Reg. Nos. 3,745,496; 4,022,932; 3,745,497; 3,655,891; 4,091,084; 3,388,412; 4,384,092; and 3,892,454 (collectively the "Hollister Bird Marks") on apparel and accessories sold and marketed in connection with its Hollister Co. brand in the United States.

4. A&F has been using the Hollister Bird Mark  in solid form (Reg. No. 4,091,084) in commerce in connection with the following goods since at least as early as August 8, 2003: Bags; Bottoms; Coats; Footwear; Jackets; Sleepwear; Swimwear; Ties; and Undergarments in International Class 25.

5. A&F has been using the Hollister Bird Mark  in solid form (Reg. No. 4,384,092) in commerce in connection with retail clothing store services in International Class 35 since at least as early as February 2006.

A&F's Sales

6. From 2005 to 2021, A&F has sold over  dollars of products bearing the Hollister Bird Marks. Annual sales of products bearing the Hollister Bird Marks from 2005 through 2021 totaled over  dollars each year. These figures are taken from records kept in the ordinary course of a regularly conducted business activity, it is A&F's regular practice to make such records, the records were made by or from information transmitted by a person with knowledge, and such records were made at or near the time of the event.


7. Since at least as early as 2003, A&F has taken, organized, and archived photographs of all apparel and accessories offered for sale and sold through its www.hollisterco.com e-commerce website. These photographs are taken, organized, and archived by the year and

season in which the corresponding item was offered for sale. These photographs are taken, organized, and archived in the ordinary course of A&F's regularly conducted business activity, it is A&F's regular practice to make such records, the records were made by or from information transmitted by a person with knowledge, and such records were made at or near the time of the offering for sale. A sampling of true and correct images from A&F's internal business records showing apparel featuring the Hollister Bird Marks that A&F offered for sale and sold through its e-commerce website each year from 2003 to 2021 are attached as follows:

- 2003 Exhibit 1
- 2004 Exhibit 2
- 2005 Exhibit 3
- 2006 Exhibit 4
- 2007 Exhibit 5
- 2008 Exhibit 6
- 2009 Exhibit 7
- 2010 Exhibit 8
- 2011 Exhibit 9
- 2012 Exhibit 10
- 2013 Exhibit 11
- 2014 Exhibit 12
- 2015 Exhibit 13
- 2016 Exhibit 14
- 2017 Exhibit 15
- 2018 Exhibit 16
- 2019 Exhibit 17
- 2020 Exhibit 18
- 2021 Exhibit 19

8. A&F sells the following goods, among others, that bear the Hollister Bird Marks: shirts, blouses, caps, hats, dresses, footwear, gloves, jackets, shirts, sweaters, sweatshirts, t-

shirts, skirts, slacks, undergarments, sleepwear, collared shirts, polo shirts, denim jackets, leather jackets, and vests.

9. From 2005 to 2021, A&F has sold over  products bearing the Hollister Bird Marks prominently on the items themselves, on an interior tag or hanging affixed to the item, or on other product packaging/shelving. Rounded estimates of the annual number of products sold bearing the Hollister Bird Marks for each year from 2005 to 2021 are set forth below. Actual numbers exceed each of these rounded estimates. These rounded estimates are based on actual figures taken from records kept in the ordinary course of a regularly conducted business activity, it is A&F's regular practice to make such records, the records were made by or from information transmitted by a person with knowledge, and such records were made at or near the time of the event.

2005	
2006	
2007	
2008	
2009	
2010	
2011	
2012	
2013	
2014	
2015	
2016	
2017	
2018	
2019	
2020	

*Views include website, mobile, and mobile app

12. Apparel and accessories bearing the Hollister Bird Marks are prominently displayed and offered for sale in A&F's Hollister Co. retail stores in over 360 locations across the United States.

13. On many of A&F's products the Hollister Bird Marks are the only visible trademark when worn.

Marketing and Promotion

14. A&F has invested substantial sums in marketing and promotion of products bearing the Hollister Bird Marks. The total monetary amounts spent for marketing and promotion of the Hollister brand in the United States from 2015 through 2021, which includes products bearing the Hollister Bird Marks, exceeds [REDACTED] dollars. Below are rounded estimates for marketing and promotional spend in each year specified. The actual figures exceed each rounded estimate. These rounded estimates are based on actual figures taken from records that were kept in the ordinary course of a regularly conducted business activity, it is A&F's regular practice to make such records, the records were made by or from information transmitted by a person with knowledge, and such records were made at or near the time of the event.

2015	[REDACTED]
2016	[REDACTED]
2017	[REDACTED]
2018	[REDACTED]
2019	[REDACTED]
2020	[REDACTED]
2021	[REDACTED]

15. A&F actively promotes the Hollister Bird Marks through regularly sending promotional e-mails regarding products prominently bearing the Hollister Bird Marks.

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16. As of March 2021, there were over [REDACTED] US and Canadian subscribers to the Hollister Co. e-mail distribution list. This figure was taken from records that were kept in the ordinary course of a regularly conducted business activity, it is A&F's regular practice to make such records, the records were made by or from information transmitted by a person with knowledge, and such records were made at or near the time of the event. **Exhibit 21** contains a sampling of true and correct copies of promotional e-mails sent to subscribers to the e-mail distribution list that have featured goods bearing the Hollister Bird Marks.

17. A&F also actively promotes the Hollister Bird Marks through social media accounts including Facebook, Instagram, and Twitter. As of March 2022, the Hollister Co. Facebook Page Account had received over 12 million "likes" from Facebook users. **Exhibit 22** contains a sampling of true and correct copies of Facebook posts that have featured goods bearing the Hollister Bird Marks. As of March 2022, Hollister Co. Instagram Account had over 5 million followers. **Exhibit 23** contains a sampling of true and correct copies of Instagram posts that have featured goods bearing the Hollister Bird Marks. As of March 2022, Hollister Co. Twitter Account had over 665 thousand followers. **Exhibit 24** contains a sampling of true and correct copies of Twitter posts that have featured goods bearing the Hollister Bird Marks.

18. A&F also actively promotes the Hollister Bird Marks through limited series on YouTube called "This is Summer," under the YouTube channel operated by AwesomenessTV. As of March 2022, videos for the 24 episode series "This is Summer" had on average received more than six hundred thousand (600,000) views from YouTube users. **Exhibit 25** contains a sampling of true and correct copies of screenshots from "This is Summer" series on YouTube that have featured goods bearing the Hollister Bird Marks.

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19. A&F also actively promotes the Hollister Bird Marks through limited series on YouTube called "The Carpe Life" under the YouTube channel operated by AwesomenessTV. As of March 2022, videos for the 11 part series "The Carpe Life" had on average received more than one million (1,000,000+) views from YouTube users. **Exhibit 26** contains a sampling of true and correct copies of screenshots from "The Carpe Life" series on YouTube that have featured goods bearing the Hollister Bird Marks.

20. A&F also actively promotes the Hollister Bird Marks through limited series on YouTube called "The Carpe Challenge" under the YouTube channel operated by AwesomenessTV. As of March 2021, videos for the 21 episode series "The Carpe Challenge" had on average received more than two hundred thousand (200,000+) views, with many videos exceeding one million and two million (1,000,000 - 2,000,000) views from YouTube users. **Exhibit 27** contains a sampling of true and correct copies of screenshots from "The Carpe Challenge" series on YouTube that have featured goods bearing the Hollister Bird Marks.

21. A&F actively promotes the Hollister Bird Marks through partnerships with social media influencers, musicians, and celebrities such as TikTok influencers Charli D'Amelio (139 million followers) and Dixie D'Amelio (572 million followers), American engineer and TV star Bill Nye (4.9 million Facebook followers), musicians Khalid (7.4 million Instagram followers, and Noah Cyrus (6.1 million YouTube subscribers). **Exhibit 28** contains a sampling of internet articles discussing A&F's partnerships with these celebrities discussing their promotion of the Hollister Co. brand and goods bearing the Hollister Bird Marks.

22. A&F has promoted the Hollister Bird Marks through partnerships with various organizations that work with high school students such as High School Nation (The High

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School Nation Tour is a creative arts festival that exclusively visits high school campuses and has reached over half a million students). So With Us (mobile application with over 100,000 users for connecting students), GLESEN (GLESEN programs and resources reach millions of students and educators in K-12 schools), and The Academy Group (creates and provides academic support, mentoring, and work opportunities for youth in the most resilient communities across the U.S.). A&F also promotes environmentally conscious initiatives through its partnership with ThreadUP (online consignment and thrift store for clothing).

Exhibit 29 contains a sampling of internet articles discussing A&F's partnerships with these groups where the Hollister Bird Marks are prominently featured and representative examples.

23. A&F invested well over [REDACTED] dollars in 2021 in connection with supplies bearing the Hollister Bird Marks including packaging, inner paper, boxes, and gift card holders. This figure was taken from records that were kept in the ordinary course of a regularly conducted business activity, it is A&F's regular practice to make such records, the records were made by or from information transmitted by a person with knowledge, and such records were made at or near the time of the event. **Exhibit 30** contains a sampling of wallpaper images with representative examples.

Refrainment

24. Given the popularity of the Hollister Bird Marks, A&F is vigilant in policing third party uses that could lead to consumer confusion as to the source of particular products and services or that could otherwise impair the trademark function of the Hollister Bird Marks. A&F regularly sends cease and desist letters to third parties regarding use and potential registration of marks that could lead to consumer confusion. Representative refrainment

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efforts that resulted in companies agreeing to cease use of similar marks or to abandon applications for similar marks include the following:

- Exhibit 31** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against Mousler Inc.'s Application No. 88/350,105 to



register [REDACTED] a mark similar to the Hollister Bird Marks, the judgment issued against Mousler Inc., and a TSDR report reflecting the deletion of Class 25 from Mousler Inc.'s application;

- Exhibit 32** contains a true and correct copy of the Request for Extension of Time to Oppose filed by A&F against Hawk's Bay Collection Inc.'s Application No.



85/72,404 to register [REDACTED] a mark similar to the Hollister Bird Marks, the Request of Express Abandonment filed by Hawk's Bay Collection Inc., and a copy of the Notice Of Abandonment issued by the USPTO for Hawk's Bay Collection Inc.'s application;

- Exhibit 33** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against Fairwinds Technologies LLC's Application No.



88/218,859 to register [REDACTED] a mark similar to the Hollister Bird Marks, the judgment issued against Fairwinds Technologies LLC., and a TSDR report reflecting the deletion of Class 25 from Fairwinds Technologies LLC's application;

- Exhibit 34** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against MSME's Application No. 88/284,982 to register

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[REDACTED] a mark similar to the Hollister Bird Marks, the judgment dismissing the Opposition against MSME after the Applicant filed an abandonment of its application, and a TSDR report reflecting the abandonment of the application;

- Exhibit 35** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against A.M.N. Intertrading Company Limited's



Application No. 79/254,301 to register [REDACTED] a mark similar to the Hollister Bird Marks, the judgment sustaining the Opposition against A.M.N. Intertrading Company Limited, and a TSDR report reflecting the abandonment of the application;

- Exhibit 36** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against The Brighton and Hove Ashdon Football Club



Limited's Application No. 79/218,752 to register [REDACTED] a mark similar to the Hollister Bird Marks, the judgment dismissing the Opposition against

The Brighton and Hove Ashdon Football Club Limited after the Applicant filed an abandonment of its application, and a TSDR report reflecting the abandonment of the application;

- Exhibit 37** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against Wilton Land's Application No. 88/103,373 to



register [REDACTED] a mark similar to the Hollister Bird Marks, the judgment

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sustaining the Opposition against Wilton Land, and a TSDR report reflecting the abandonment of the application;

- Exhibit 38** contains a true and correct copy of the Request for Extension of Time to Oppose filed by A&F against AIDA Cruises' Application No. 79/225,781 to



register [REDACTED] a mark similar to the Hollister Bird Marks, the Post Publication Amendment by AIDA Cruises' requesting the deletion of Class 25 from the application, and a TSDR report reflecting the deletion of Class 25 from the application;

- Exhibit 39** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against Hangzhou Majuay E-commerce Co., Ltd.'s



Application No. 88/060,637 to register [REDACTED] a mark similar to the Hollister Bird Marks, the judgment sustaining the Opposition against Hangzhou Majuay E-commerce Co., Ltd., and a TSDR report reflecting the abandonment of the application;

- Exhibit 40** contains a true and correct copy of the Request for Extension of Time to Oppose filed by A&F against Adam Rubman's Application No. 87/066,092 to



register [REDACTED] a mark similar to the Hollister Bird Marks, the Request of Express Abandonment filed by Adam Rubman, and a copy of the Notice Of Abandonment issued by the USPTO for Adam Rubman's application;

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- Exhibit 41** contains a true and correct copy of the Petition for Cancellation (without the exhibits) filed by A&F against Lela Inc.'s Registration No. 5,159,094 to register



[REDACTED] a mark similar to the Hollister Bird Marks, the order granting the Cancellation against Lela Inc., and a TSDR report reflecting the cancellation of the registration;

- Exhibit 42** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against Lela Inc.'s Application No. 87/126,195 for



[REDACTED] a mark similar to the Hollister Bird Marks, the order sustaining the Opposition against Lela Inc., and a TSDR report reflecting the abandonment of the application;

- Exhibit 43** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against Eddie Domani, LLC's Application No.



85/734,403 to register [REDACTED] a mark similar to the Hollister Bird Marks, the judgment sustaining the Opposition against Eddie Domani, LLC, and a TSDR report reflecting the abandonment of the application;

- Exhibit 44** contains a true and correct copy of the Notice of Opposition (without the exhibits) filed by A&F against Kevin Barrett's Application No. 88/101,882 to



register [REDACTED] a mark similar to the Hollister Marks, the judgment sustaining the Opposition against Kevin Barrett, and a TSDR report reflecting the abandonment of the application.

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25. As a result of A&F's enforcement activities, A&F's use of the Hollister Bird Marks is exclusive and I am aware of no third parties using the Hollister Bird Marks or any confusingly similar mark in connection with related goods or services.

26. All of the foregoing sales, advertising, and publicity under the Hollister Bird Marks have resulted in extremely strong consumer recognition of the Hollister Bird Marks in the United States.

27. A&F has no business relationship with Applicant Srinivasa Rao Gubbala ("Srinivasa") and has never authorized Srinivasa or otherwise permitted Srinivasa to use or register the mark shown in U.S. Trademark Application No. 88/555,046 or any other mark similar to the Hollister Bird Marks.

28. If Srinivasa is permitted to obtain registration for the mark shown in U.S. Trademark Application No. 88/555,046, not only do I expect Srinivasa's use of the mark will confuse consumers as to the source and/or affiliation of its products, but also Srinivasa's use of the mark will devalue the Hollister Bird Marks and cause significant harm to A&F by diluting the distinctiveness of A&F's famous Hollister Bird Marks.

29. Because of the overwhelming success and appeal of the Hollister Bird Marks, and A&F's exclusive use of the Hollister Bird Marks in connection with the above-discussed goods and services, the Hollister Bird Marks have acquired enormous value and become extremely well known to the public and to the trade as identifying and distinguishing A&F exclusively and uniquely as the source of goods and services under the Hollister Bird Marks.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting

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hereof, declares that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,
Abercrombie & Fitch Trading Co.
By: [Signature]
J.J. Kramer

Executed: 4/24/2022

CERTIFICATE OF SERVICE
I hereby certify that a true and complete copy of the foregoing Declaration of J.J. Kramer has been served on counsel for Applicant, Srinivasa Rao Gubbala, on April 15, 2022, via email to:

Hilary Moore's law@gmail.com
srgp@indianadigitalreports.com
hilary@hiltonsrao.com
gubbala.rao@gmail.com

Susan M. Kayser
Susan M. Kayser

Abercrombie & Fitch Trading Co. v.
Srinivasa Rao Gubbala
Opposition No. 9125288
Offering Party: Abercrombie & Fitch
Trading Co.

Kramer Declaration
Exhibit 1



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*Abercrombie & Fitch Trading Co. v.
Santana Rios Gubela
Opposition No. 9125288
Offering Party: Abercrombie & Fitch
Trading Co.*

**Kramer Declaration
Exhibit 2**



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*Abercrombie & Fitch Trading Co. v.
Santana Rios Gubela
Opposition No. 9125288
Offering Party: Abercrombie & Fitch
Trading Co.*

**Kramer Declaration
Exhibit 3**



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*Abercrombie & Fitch Trading Co. v.
Santana Rios Gubela
Opposition No. 9125288
Offering Party: Abercrombie & Fitch
Trading Co.*

**Kramer Declaration
Exhibit 4**



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Alexander & Fitch Trading Co. v.
Zoriana Ruz Gubala
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

Kramer Declaration
Exhibit 5



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Alexander & Fitch Trading Co. v.
Zoriana Ruz Gubala
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

Kramer Declaration
Exhibit 6



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Alexander & Fitch Trading Co. v.
Zoriana Ruz Gubala
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

Kramer Declaration
Exhibit 7



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*Alexander & Fitch Trading Co. v.
Zimbabwean Run Gabbala*
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

**Kramer Declaration
Exhibit 8**



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*Alexander & Fitch Trading Co. v.
Zimbabwean Run Gabbala*
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

**Kramer Declaration
Exhibit 9**



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Alexander & Fitch Trading Co. v.
Zimvata Run Gubbala
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

**Kramer Declaration
Exhibit 10**



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Alexander & Fitch Trading Co. v.
Zimvata Run Gubbala
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

**Kramer Declaration
Exhibit 11**



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Alexander & Fitch Trading Co. v.
Zimvata Run Gubbala
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

**Kramer Declaration
Exhibit 12**



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*Abrescumbie & Fitch Trading Co. v.
Zimnara Ran Gubula*
Opposition No. 9125288
Offering Party: Abrescumbie & Fitch
Trading Co.

**Kramer Declaration
Exhibit 13**



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*Abrescumbie & Fitch Trading Co. v.
Zimnara Ran Gubula*
Opposition No. 9125288
Offering Party: Abrescumbie & Fitch
Trading Co.

**Kramer Declaration
Exhibit 14**



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*Abrescumbie & Fitch Trading Co. v.
Zimnara Ran Gubula*
Opposition No. 9125288
Offering Party: Abrescumbie & Fitch
Trading Co.

**Kramer Declaration
Exhibit 15**



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*Abrescumbie & Fitch Trading Co. v.
Zimnara Ran Gubula*
Opposition No. 9125288
Offering Party: Abrescumbie & Fitch
Trading Co.

**Kramer Declaration
Exhibit 16**



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*Alexander & Fitch Trading Co. v.
Srinivas Rao Gubbala*
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

**Kramer Declaration
Exhibit 17**



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*Alexander & Fitch Trading Co. v.
Srinivas Rao Gubbala*
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

**Kramer Declaration
Exhibit 18**



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*Alexander & Fitch Trading Co. v.
Srinivas Rao Gubbala*
Opposition No. 9125288
Offering Party: Alexander & Fitch
Trading Co.

**Kramer Declaration
Exhibit 19**



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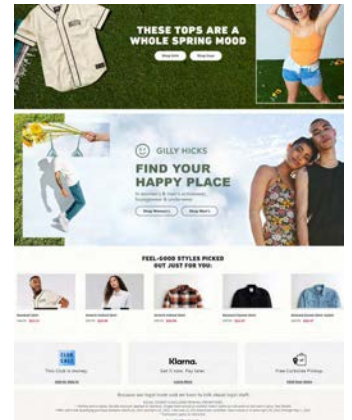
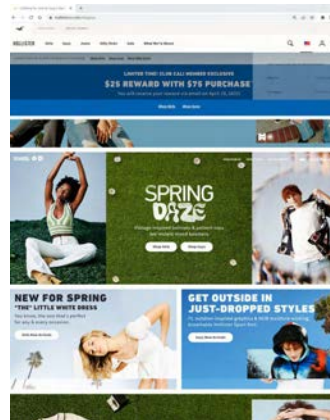
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Alexander & Fitch Trading Co. v.
Zentana Ben Gubela
Opposition No. 9125188
Offering Party: Alexander & Fitch
Trading Co.

Kramer Declaration
Exhibit 20



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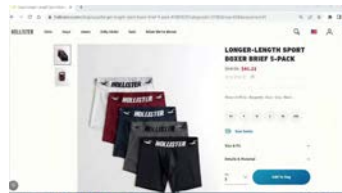
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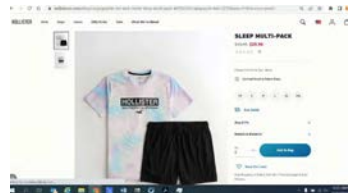
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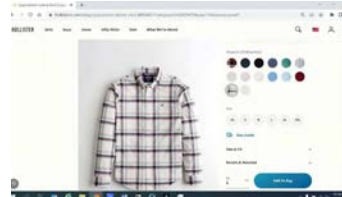
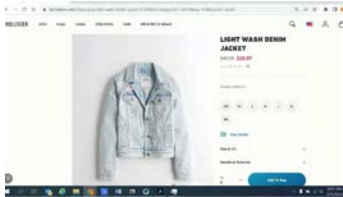
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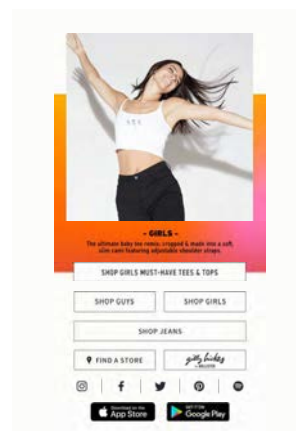
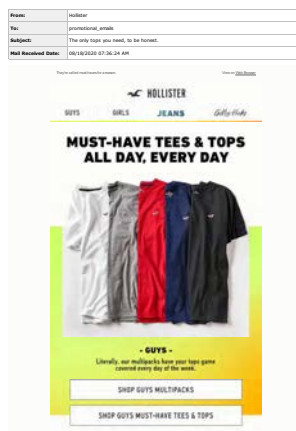
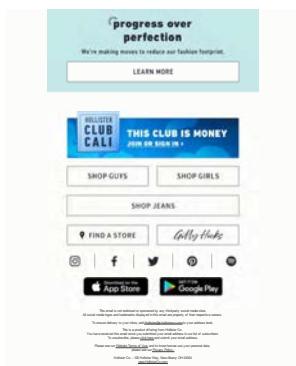
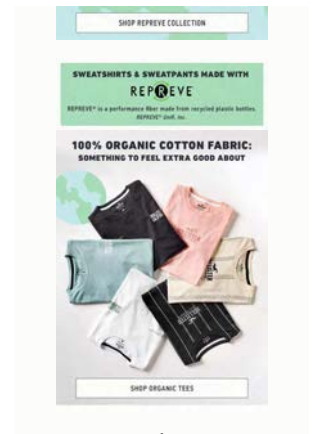
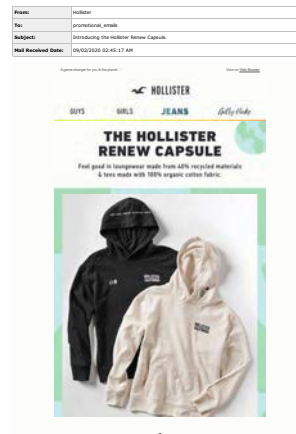
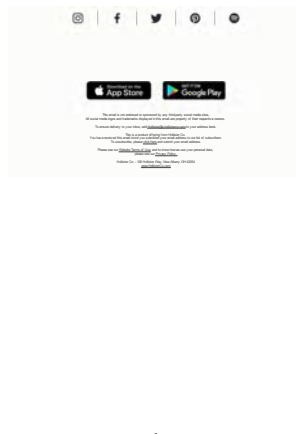
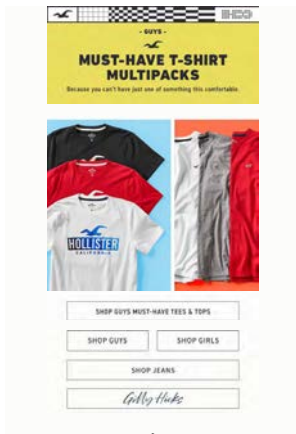
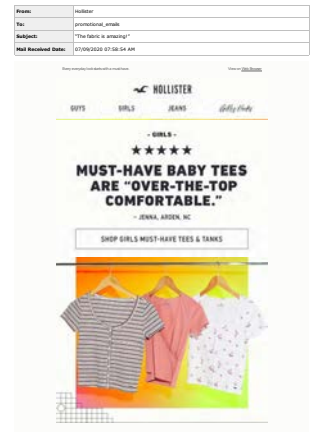
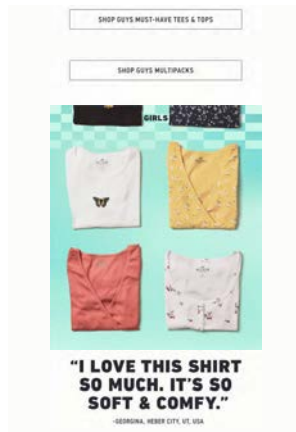
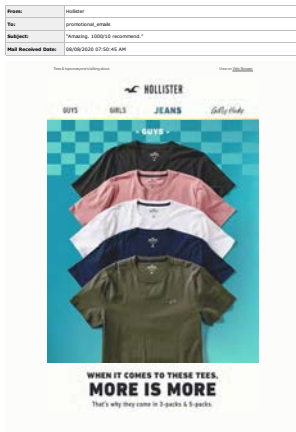


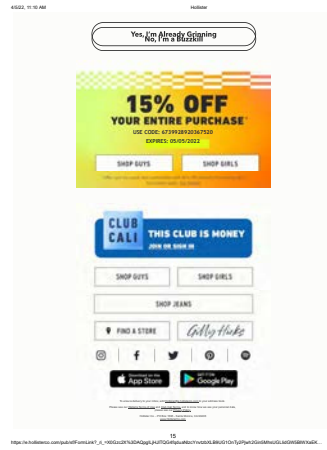
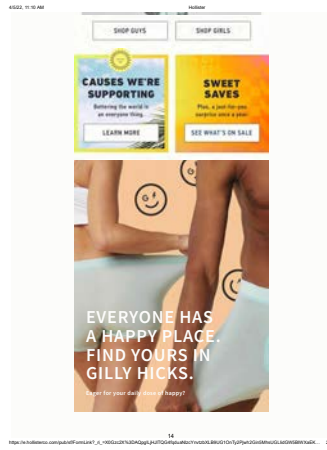
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Abercrombie & Fitch Trading Co. v.
 Distressed Denim Co.
 Opposition No. 91252388
 Offsetting Party: Abercrombie & Fitch
 Trading Co.

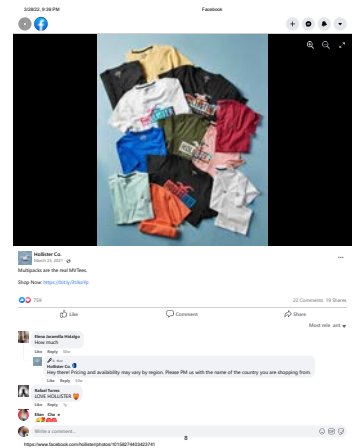
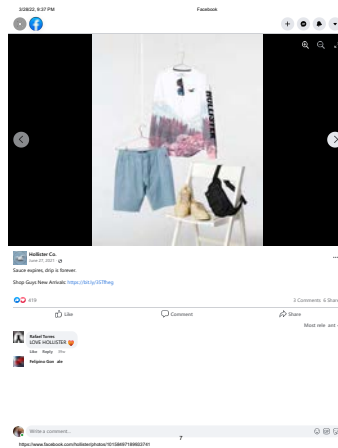
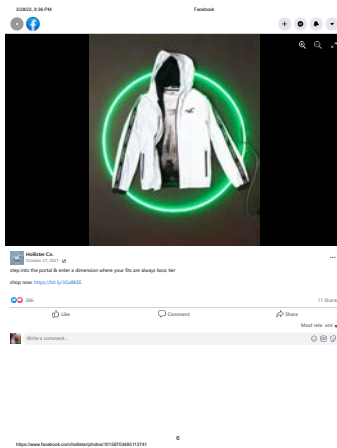
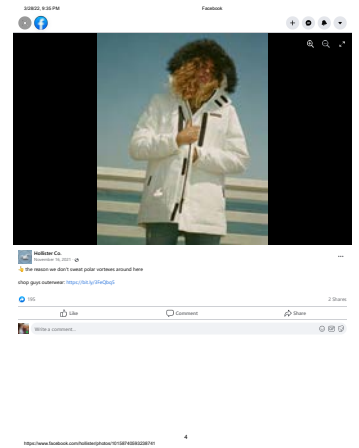
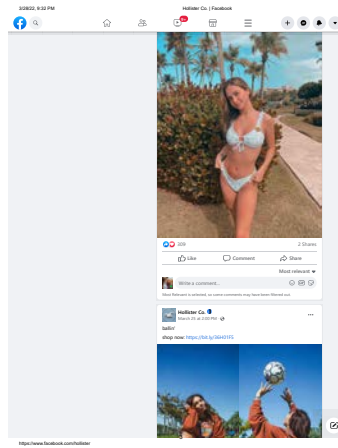
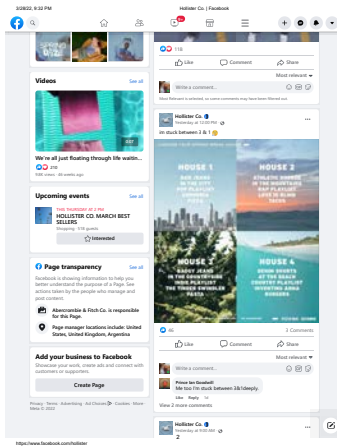
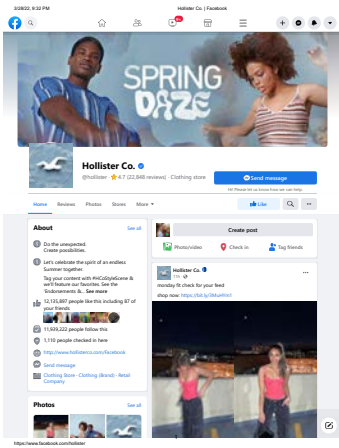
Kramer Declaration
 Exhibit 21



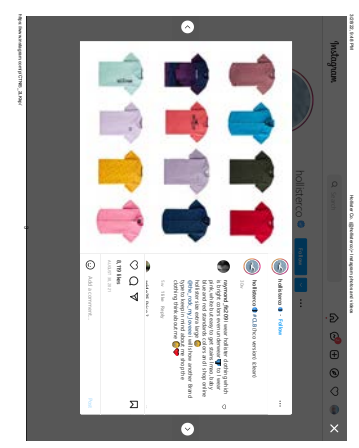
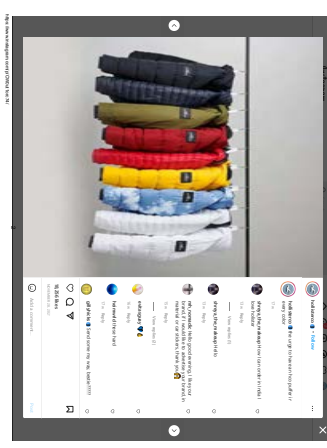
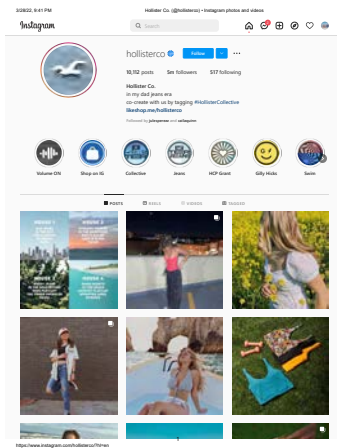


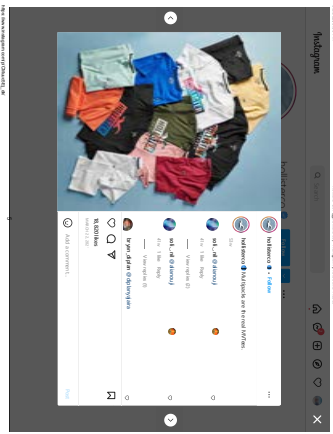
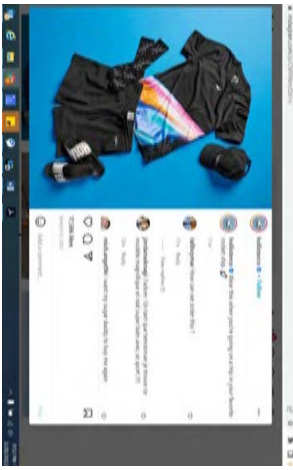
Abercrombie & Fitch Trading Co. v.
Santana Rios Galindo
Opposition No. 9125288
Offering Party: Abercrombie & Fitch
Trading Co.

Kramer Declaration
Exhibit 22



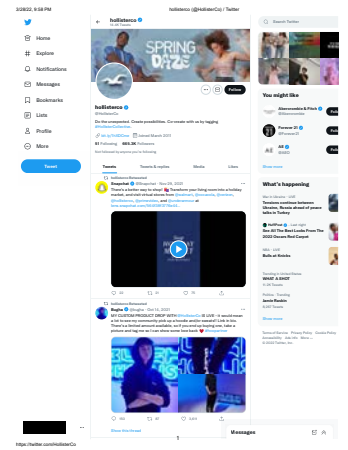
Kramer Declaration
Exhibit 23





Kramer Declaration
Exhibit 24

Abercrombie & Fitch Trading Co. v.
Zimnara Ban Gabbala
Opposition No. 91252388
Offering Party: Abercrombie & Fitch
Trading Co.



Kramer Declaration
Exhibit 25

Abercrombie & Fitch Trading Co. v.
Zimnara Ban Gabbala
Opposition No. 91252388
Offering Party: Abercrombie & Fitch
Trading Co.



Kramer Declaration
Exhibit 26

Abercrombie & Fitch Trading Co. v.
Zimnara Ban Gabbala
Opposition No. 91252388
Offering Party: Abercrombie & Fitch
Trading Co.



Kramer Declaration
Exhibit 27

Abercrombie & Fitch Trading Co. v.
Zimnara Ban Gabbala
Opposition No. 91252388
Offering Party: Abercrombie & Fitch
Trading Co.



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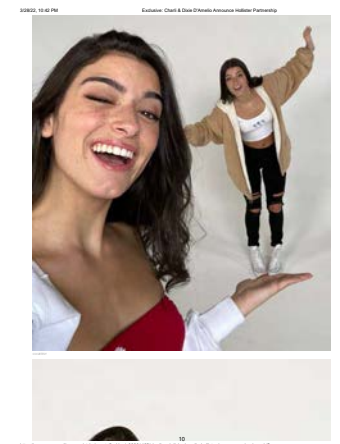
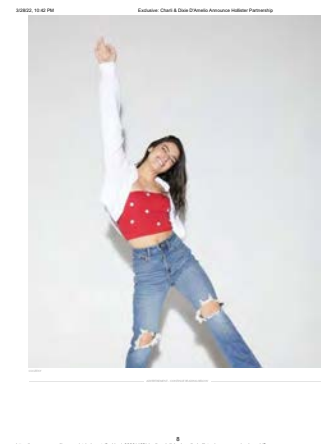
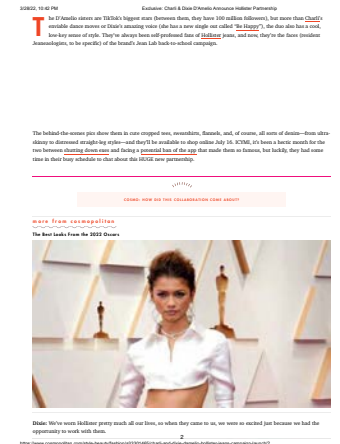
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Alexander & Fick Trading Co. v.
Suzanne R. Gubala
Opposition No. 9125288
Caption: Alexander & Fick
Trading Co.

Kramer Declaration Exhibit 28

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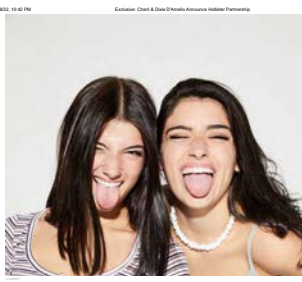
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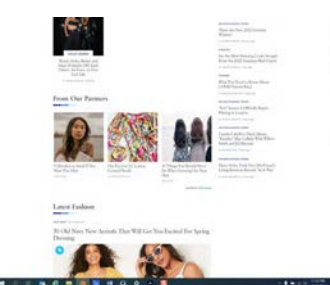
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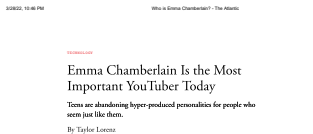
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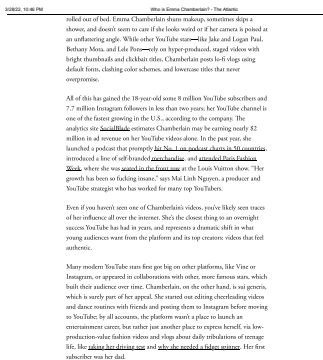
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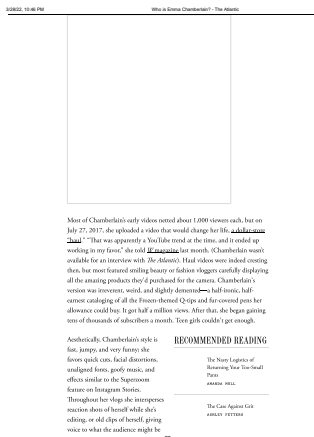
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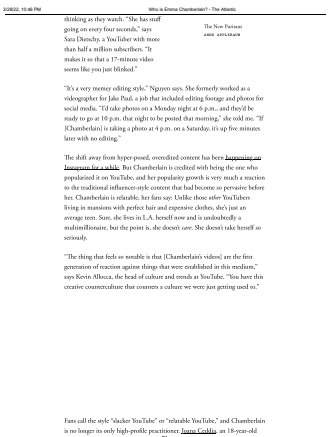
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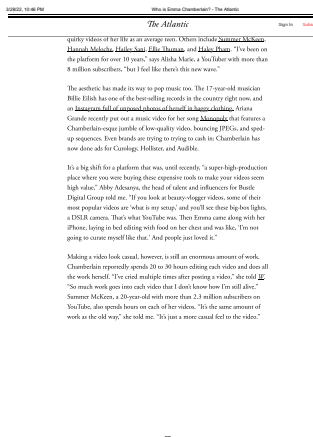
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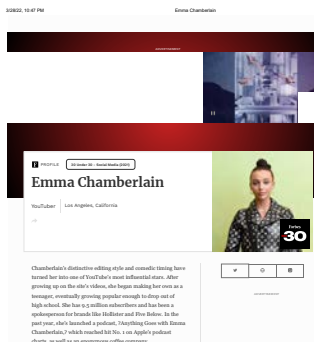
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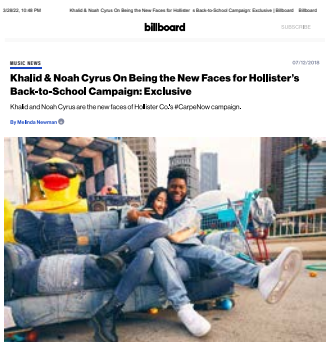
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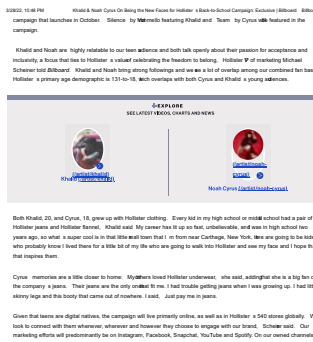
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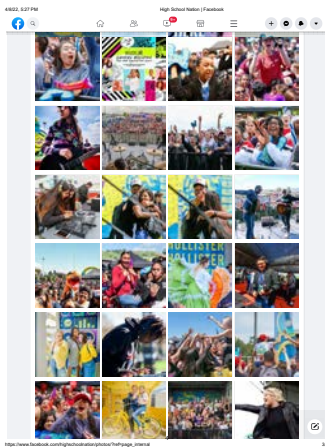
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4/15/12, 11:38 AM

Topic: Courses: Sit With Us/ App For Bullied Kids - NPO

CORINNE: Natalie Hampton - her app is called Sit With Us. She's 16 years old from Sherman Oaks, Calif.

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Baltic: How did you come together with this high school?

Khalid: For us, it's really more about the Sit With Us campaign and that's something I'm a big advocate for. I've been bullied before and I've seen things I wish I would've spoken up on when I was younger. That's what you acknowledge when you grow up. I feel like we've all been in that situation where we've grown up and we wish that we would've spoken up when we had the chance. So luckily I have this beautiful platform, I've gained so many amazing fans who are around high school age and older and I just feel it's necessary.

Baltin: The ability to speak up also gets stronger and easier as you get older and get more comfortable in life. So what do you say to kids who are not yet ready to speak up?

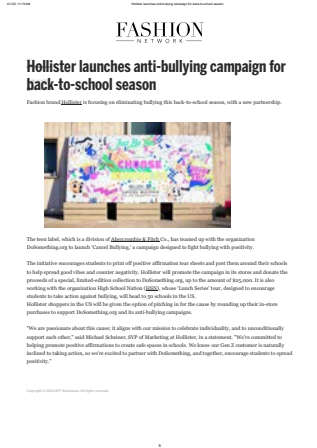
Khalid: It comes with age and comes from who you surround yourself with. High school is a discovery period, you get your trial and error of how many friends you want, who you think you're gonna surround yourself with after high school. And I feel like when it comes down to being an advocate and speaking up for bullying, a lot of people are afraid of what other people are gonna think about them. And it comes down to the situation where it's like, "Why care too much about what other people are gonna think about you defending someone who needs to be defended?"

Baltin: But when you are younger it's such a myopic world. So talk about how important it is to make people understand you were bullied and then you went to the Grammys. You are proof things can change.

Khalid: I go on these long car rides and sometimes I find myself dazing out of my window and I look in someone else's car and I try to create a story of their life and everything they've gone through. We all do that sometimes. But no one really knows what someone else is going through other than that person. So when it comes down to bullying, you see someone getting bullied, no one really knows what's happening to that person who's being bullied at home, at their work circumstances or whatever they're going through in school. No one really knows what's happening with that person and I feel

like since a lot of people don't know a lot of people forget to care. But it's necessary, you should care. You should care about everyone that you're meeting, you should care about how you surround yourself, or how you portray yourself to everyone that you're meeting. That's something I learned. Now I just move on with a smile on my face because I think my one smile could brighten someone's day because they've had a terrible day. Today I had a really bad morning. I smiled too all over my phone, my

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[illegible]

bank account got locked and I had to unlock my bank account. I had so much I had to do. But my assistant comes into my house with a smile on her face, I'm like, "Okay." I feel like that's something that kids may understand, but they don't grasp the importance of it cause at least I didn't grasp the importance of being nice.

Baltin: As terrible a morning as you had I am sure it's made much better by coming here. It's a great feeling to get to give back and talk to kids.

Khalid: It's so rewarding. I love kids, I was just a kid last year (laughs). So for me to have this platform, I could have done anything else, but I told everybody my focus is kids. Everybody on my team knows I love kids because I was that kid who sat in my assembly listening and listened to a teacher tell me that my dream was too far from reach and that I should settle, get a job, be content with that and keep it as a hobby, keep my voice as a hobby, keep singing as a hobby. I didn't think that was right and I remember, I was a sophomore in high school, and those words pierced through my brain. For the rest of my life I've always gonna remember that. If we are that impressionable as people where someone can say one phrase to you that can stick with you for the rest of your life, why not let that phrase be a good phrase and be a phrase for courage and be a phrase for inspiration?

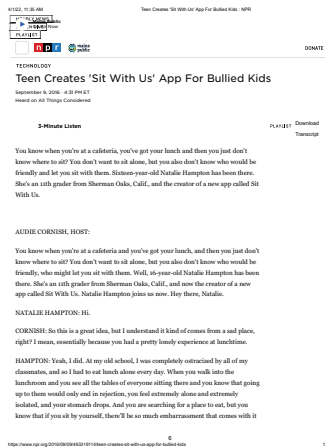
Baltin: Who would have been the musician you would've wanted to come speak to you in high school?

Khalid: Ooh, that's so tricky. Now I'm taking myself back to my sophomore year of high school, who I loved. I loved Frank Ocean a lot, I still do, so that would've been crazy. Me

Baltin: Who are the artists you admire for the way they've mixed different things with their music, whether it's activism or other business ventures like fashion?

Khalid: Someone who I really admire for being completely themselves in this industry is Alessia Cara. I love what her music is about and I love what it stands for. I love her as a person, I think she's a huge advocate and she's so successful because of that, because she stays true to herself. There are so many other artists; I love Kendrick Lamar, I think he does a great job of utilizing his platform to spread messages that he believes in, that he talks to, especially that involve his community, he's someone I look up to a lot. I Cole

<https://www.bbc.com/news/health-60789101>



as well. J Cole is so awesome, his storytelling is crazy and he can put you int he shoes sometimes you live beside and don't even acknowledge. So I think those are three standouts I can think of right now.

Baltin: Talk about the fashion line, how you hooked up with Hollister and how much the music and fashion creatively fuel each other.

Khalid: It's cool. One, it's something I never would have imagined years ago that I would be here in this position where I would have the ability to create something that I would create, that I want to wear, that I want to wear and my friends are wearing. It's cool. 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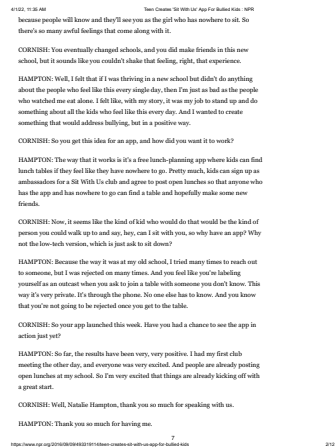
Baltin: What are some songs that speak to you as a songwriter?

Khalid: I love Father John Misty, any of his songs are great. I love James Blake,

"Retrosgrade," she's someone who I looked to before I started making my own music. Alan, Sam Smith's "Stay With Me" is a song that kind of changed my perception. I actually wrote one of my first songs after listening to "Stay With Me." And when I was a junior in high school and literally my last recital before I moved to Texas I sang that with my friend, who played piano behind me. I sang it and I cried because I was thinking, "Wow, I suddenly have to leave everything that I built myself up to." I didn't know what my life was gonna be like. I didn't really have high hopes for it. Then I moved and that changed my life for the better.

Baltin: What do you want to add?

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<https://www.tulsa.com/stories/tenants/2018/10/19/kid-on-way-back-to-school-to-help-kids-being-bulled/707202030667>



When he is introduced to the unassuming students there are BTS-esque shrieks and every song is punctuated with multiple "I love you, Khalid," from the grateful students.

It is a special day, made more so by the message that brought Khalid to the school, namely to do everything he can to help stamp out bullying. "Kids are my focus," he says proudly when we speak before he stage, pointing out he was bullied.

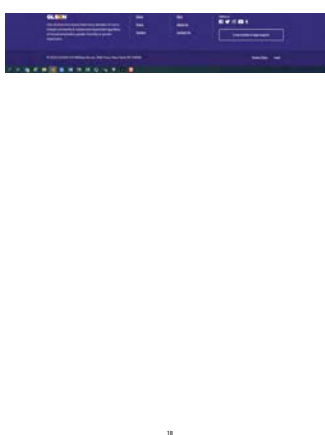
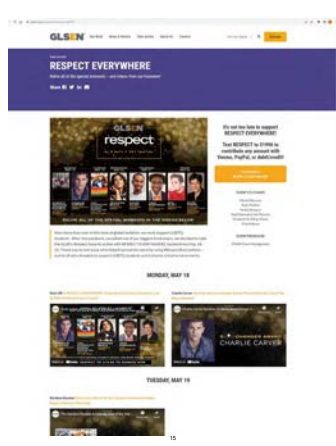
That made him the perfect spokesperson to team with *Sit With Us* and fashion brand Hollister, who he has joined forces with on a new collection, in part brought together by music power player Marcie Allen and her company MAC Presents as well as his agent, Cara Lewis and his manager, Courtney Stewart.

"Khalid is a very honest, well-spoken artist our consumers look up to," Michael Scheiner, VP and Head of Marketing for Hollister tells me. "And that was really a big part of what attracted us to work with him. Specific to the bullying campaign, as we got to know him, he was bullied as a younger guy and so for us it was the perfect connection. Our customers can relate to him, our customers look up to him as someone who can inspire them. We're focused on being inclusive and really making change and in speaking with him we felt like it was the perfect partnership."

Before his performance I spoke with Khalid in the greenroom about his high school experiences, why his new EP, *Suncity*, is a different direction for him, and being told in high school he would never make it in music.

Steve Baltin: Where did you go to high school?

there for three out of my four years of high school, then I moved to El Paso, Texas, graduated there.

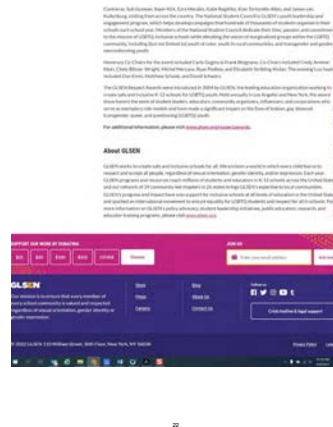




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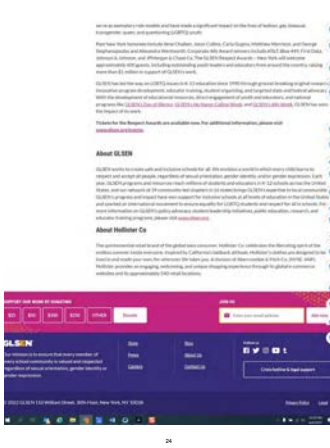
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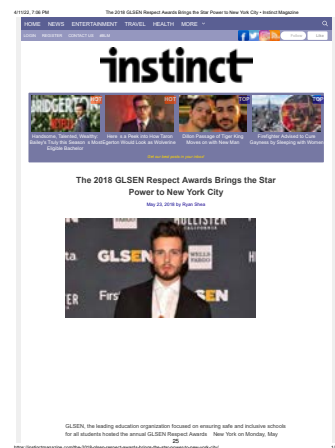
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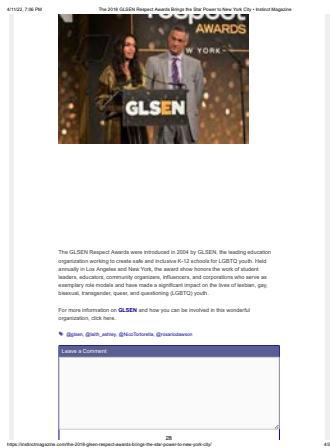
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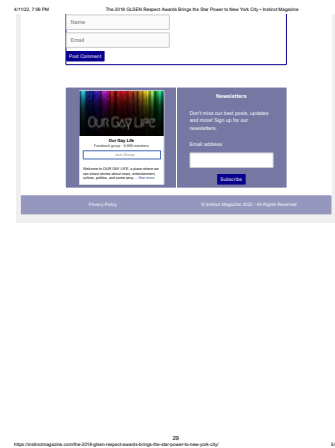
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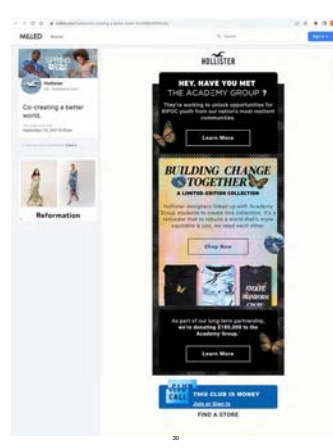
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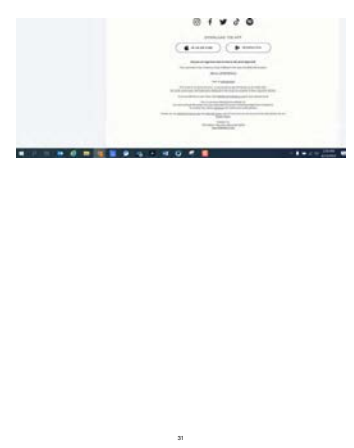
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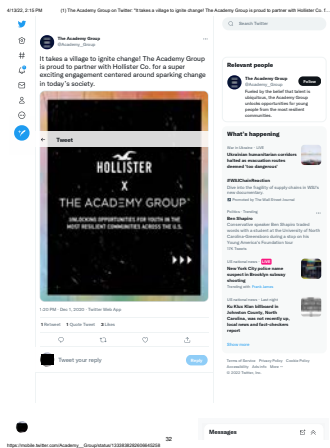
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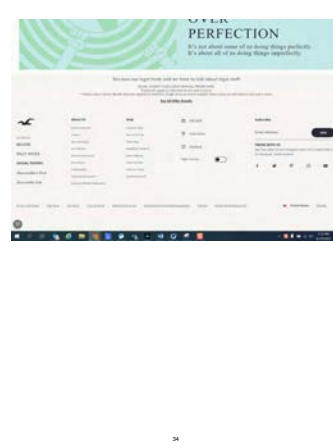
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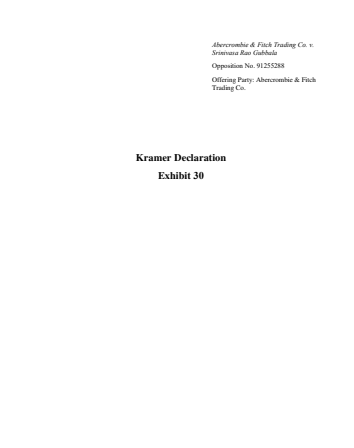
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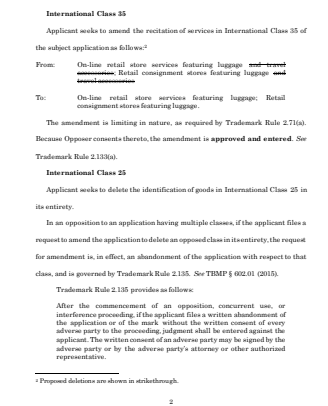
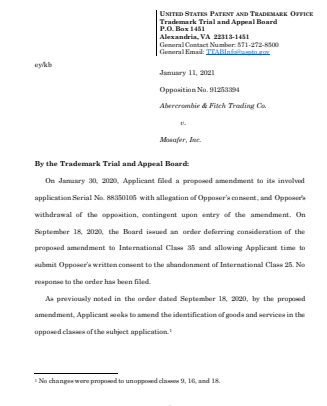
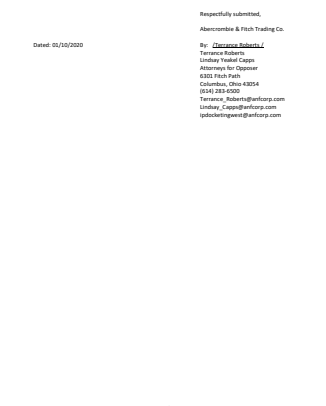
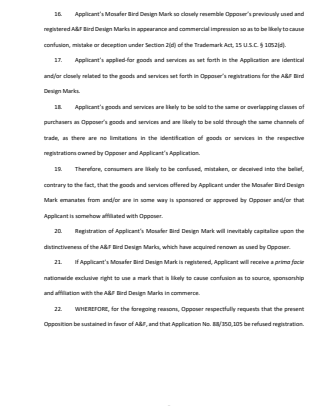
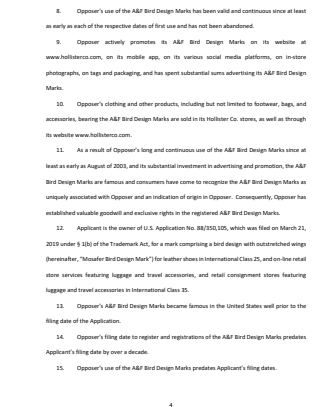
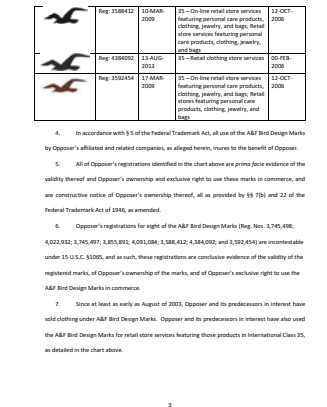
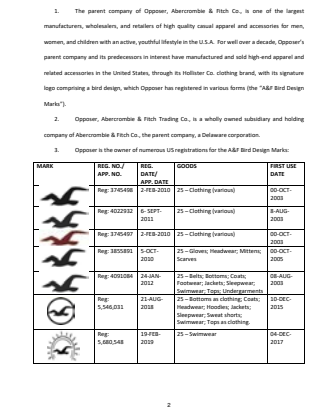
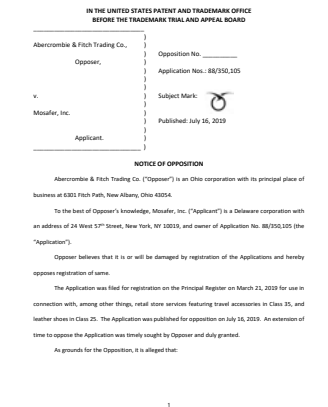
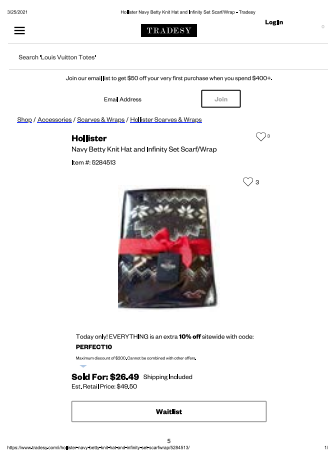
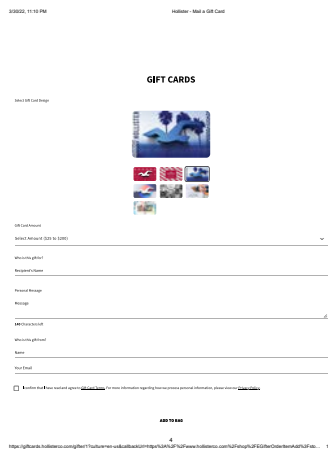
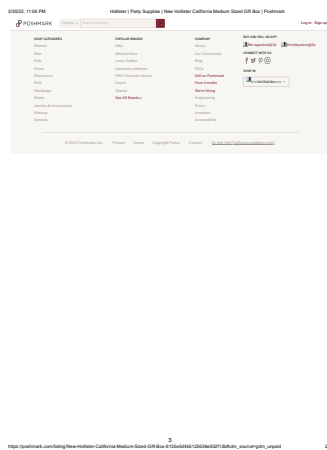
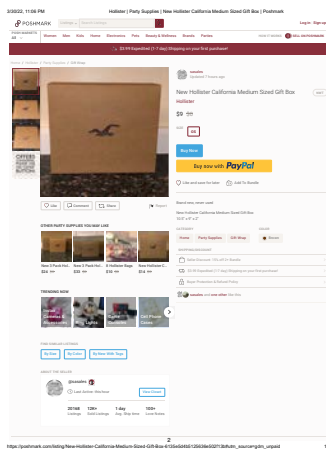
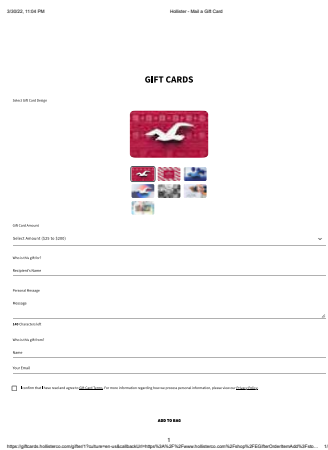


34



35

Kramer Declaration
Exhibit 30



12/23 PM		Trademark Status & Document Results			
Date		Event		Processing Number	
06/13/2023		NOTICE OF APPROVAL OF EXTENSION REQUEST IS MAILED			
06/13/2023		EXTENSION IS APPROVED		86756	
06/13/2023		EXTENSION FEE PAID		86756	
06/13/2023		TMSA EXTENSION REQUESTED			
06/14/2023		TMSA CHANGES OF CORRESPONDENCE RECEIVED			
06/14/2023		TMSA CHANGES/RECEIVED REQUEST APPROVED			
06/14/2023		TMSA CHANGES/RECEIVED REQUEST APPROVED			
06/14/2023		NOTICE OF APPROVAL OF EXTENSION REQUEST IS MAILED			
06/14/2023		EXTENSION IS APPROVED		86756	
06/14/2023		EXTENSION FEE PAID		86756	
06/14/2023		TMSA EXTENSION REQUESTED			
06/14/2023		REQUEST RECEIVED TO REEVALUATE FOR APPLICATION			
06/17/2023		TMSA RELEASE CODE TO TRANSLATIONS		220366	
06/17/2023		APPROVED TO REEVALUATE FOR APPLICATION		220366	
06/17/2023		OFFICIAL NOTICE TO REEVALUATE FOR APPLICATION		220366	
06/17/2023		OFFICIAL NOTICE TO REEVALUATE FOR APPLICATION		220366	
06/17/2023		OFFICIAL NOTICE TO REEVALUATE FOR APPLICATION		220366	
06/19/2023		OFFICIAL NOTICE TO REEVALUATE FOR APPLICATION IS MAILED			
06/19/2023		PUBLICATION OF APPLICATION			
06/19/2023		NOTIFICATION OF NOTICE OF PUBLICATION IS MAILED			
06/19/2023		NOTIFICATION OF NOTICE OF PUBLICATION IS MAILED			
06/19/2023		NOTIFICATION TO SUBMITTER		729152	
06/19/2023		NOTICE OF PUBLICATION RECEIVED			
06/19/2023		NEW APPLICATION OFFICE SUPPLIES DATA EXTENSION TEAM			
06/19/2023		NEW APPLICATION OFFICE SUPPLIES DATA EXTENSION TEAM			

The Trademark and Document Information

IN PART INFORMATION

TM Number: 00, 000, 000, 000 File Number: 00, 000, 000, 000	Law Office Assigned: LAW OFFICE 101 Supplemental: REFERENCE TO CLASS SECTION
--	---

Assignment Abstract of This Application - Click to Load

✓ [Proceeding - Click to Load](#)

12

<https://trds.uspto.gov/patent/publications/20230613/USPTO-PATENT-PUBLICATIONS>

Cause

Permitted to 37 C.F.R. Section 2.102, Abernethie & Plich Trading Co., 6261 Fish Path, New Albany, OH 43054, UNITED STATES, a corporation organized under the laws of Ohio, respectfully requests that the Board grant a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposition believes that good causes are established for this request by:

- The potential opposition needs additional time to investigate the claim
- The potential opposition needs additional time to confer with counsel

The time within which to file a notice of opposition is set to expire on 01/23/2020. Abernethie & Plich Trading Co. respectfully requests that the time period within which to file an opposition be extended until 04/23/2020.

Respectfully submitted,
Joan Sauleta
Joan Sauleta
joan@plichtrading.com
01/07/2020

[illegible][illegible]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE REMARK TRIAL AND APPEAL BOARD	
Abercrombie & Fitch Trading Co., Opposer, v. Fairwinds Technologies, LLC, Applicant.	Opposition No. _____ Application No. 88/238,859 Subject Mark:  Published: April 30, 2019

Absconcor & Fish Trading Co. ("Opposer") is an Ohio corporation with its principal place of business at 8363 Fish Path, New Albany, Ohio 43054.










To the best of Opposer's knowledge, Faranesh Technologies, LLC ("Applicant") is a United States limited liability company with an address of 5813 NE 12th Avenue, Suite 400, Vancouver, WA 98682, and owner of Application No. 861/283 (the "Application").


Opposer believes that it is or will be damaged by registration of the Application and thus opposes registration of same.

The Application was filed for registration on the Principal Register on December 20, 2008 for use in connection with, among other things, cosmetics and essential oils in Class 03, and hair, hoodies, sweat shirts, t-shirts, and hooded sweat shirts in International Class 25. The Application was published for opposition on April 30, 2009. An extension of time to oppose was timely sought by the Applicant and granted.

An example for the Opposition is as alleged above.

1. The parent company of Opposer, Abercrombie & Fitch Co., is one of the largest manufacturers, wholesalers, and retailers of high quality casual apparel and accessories for men, women, and children with an active, youthful life style in the U.S.A. For well over a decade, Opposer's parent company and its predecessors in interest have manufactured and sold high-end apparel and related accessories in the United States, through its InStitchu Co. clothing brand, with its signature logo comprising a bird design, which Opposer has registered in various forms (the "A&F Bird Design Marks").
2. Opposer, Abercrombie & Fitch Trading Co., is a wholly owned subsidiary and holding company of Abercrombie & Fitch Co., the parent company, a Delaware corporation.
3. Opposer is one of the numerous U.S. registrars for the A&F Bird Design Marks:

MARK	REG. NO./ APP. NO.	REG. DATE/ EXP. DATE	GOODS	FIRST USE DATE
	REG. 3740648	6 SEP-2011	25 - Clothing (various)	01 OCT-2003
	REG. 4225932	6 SEP-2011	25 - Clothing (various)	04 OCT-2003
	REG. 3740647	2 FEB-2012	25 - Clothing (various)	01 OCT-2003
	REG. 3820585	5 OCT-2010	25 - Gloves, Hosiery, Mittens, Scarves	01 OCT-2003
	REG. 4025858	24 JAN-2012	25 - Belts, Bathing, Cosmetics, Footwear, Jockey, Socks, Suspenders, Ties, Trunks, Underwear	08 AUG-2003
	REG. 3588122	13 SEP-2010	25 - Retail store services	12 OCT-2003
	REG. 4300022	13 SEP-2010	25 - Retail store services	01 FEB-2006
	REG. 3510454	17 MAR-2008	25 - Retail store services	12 OCT-2003
	REG. 4028342	18 MAR-2006	1 - Fragrances and aromatic products	03 SEP-2007



Reg. No. TSP 09906	SALES 2010	1 – Fragrances and aromatic products	01 OCT 2006
------------------------------	----------------------	---	-----------------------

4. In accordance with §) of the Federal Trademark Act, all use of the A&P Bird Design Marks by Opposer's affiliated and related companies, as alleged herein, inure to the benefit of Opposer.

5. All of Opposer's registrations identified in the chart above are *prima facie* evidence of the validity thereof and Opposer's exclusive right to use these marks in commerce, and are constructive notice of Opposer's ownership and control, as provided by §§ 706 and 22 of the Federal Trademark Act of 1946, as amended.

6. Opposer's registrations are one of the A&P Bird Design Marks (Reg. Nos. 3,745,058, 4,022,332, 3,745,497, 3,853,881, 4,093,084, 3,588,412, 4,384,052, 4,382,046, and 3,786,961) are incontestable under 35 U.S.C. §405, and, thus, these registrations are conclusive evidence of the validity of the registered marks and Opposer's ownership of the marks, and of Opposer's exclusive right to use the A&P Bird Design Marks in commerce.

7. Since at least as early as August of 2005, Opposer and its predecessors in interest have sold clothing under the A&P Bird Design Marks. Opposer and its predecessors in interest have also used the A&P Bird Design Marks on fragrances and personal care products in International Class 3, and retail store services in International Class 35, as detailed in the chart above.

8. Opposer's use of the A&P Bird Design Marks has been valid and continuous since at least as early as each of the respective dates of first use and has not been abandoned.

9. Opposer actively promotes the A&P Bird Design Marks on its website at www.habibstore.com, on its mobile app, on its various social media platforms, on its store photographs, on tags and packaging, and has spent substantial sums advertising its A&P Bird Design

[illegible]

On June 19, 2016 was my response approved by Opposer and/or that Applicant is somehow affiliated with Opposer, thereby damaging Opposer.

16. Applicant's goods are likely to be sold to the same or overlapping classes of purchasers as Applicant's goods and are likely to be sold through the same channels of distribution.

17. Applicant's use of registration of the Famous Bird Design Mark is such as likely to cause confusion, or to deceive mislead, or to result in passing off between Applicant and Applicant's goods from Applicant.

18. Applicant is not lawfully entitled to the registration which it seeks for the reasons, set forth above, that Applicant's mark resembles the A&F Bird Design Mark and so Applicant's mark causes confusion, or to deceive mislead, or to result in passing off between Applicant and Applicant's goods from Applicant.

19. WHEREFORE, Opposer believes that it will be damaged by registration of the Applicant's mark and respectfully requests that the present Opposition be sustained, and that Applicant's \$60,738.8555 be refunded.

Respectfully submitted,
Abrahamson & Fisch Trading Co.

By _____
Terryanne Roberts
London Federal Capital
Attorney for Opposer
6302 Finch Park
Calgary, AB T2C 2S4
(403) 243-2500

Dated: October 10, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1450
Alexandria, VA 22314-0145
General Contact Number: 571-272-4800
Internet Contact: www.uspto.gov

Bukrinsky/Winter

June 22, 2020

Opposition No. 91251880

Abercrombie & Fitch Trading Co.

v.

Fairwinds Technology, LLC

BY THE TRADEMARK TRIAL AND APPEAL BOARD.

This proceeding commenced with the filing of a notice of opposition against registration of the involved mark in connection with the goods in International Classes 2 and 25. On February 4, 2020, Applicant filed the parties' stipulated proposed amendment to Applicant's opposition Number No. 88628089, and Opposer's withdrawal of the opposition, contingent upon entry of the amendment.

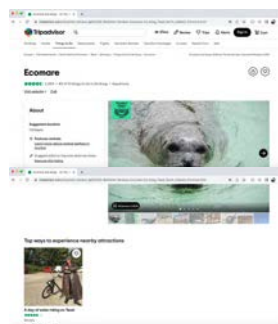
Abandonment of Goods in International Class 25

By the proposed amendment, Applicant seeks to change the identification of goods by deleting, in their entirety, the goods in International Class 25 from the application.¹

Notice of Reliance
Exhibit 4



Notice of Reliance
Exhibit 5

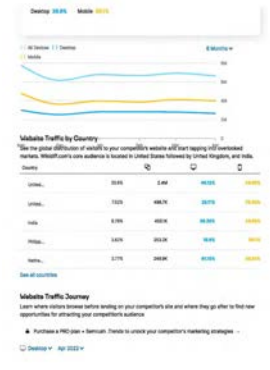


To compare different language versions of Wikipedia, New Research Center drew on data from data.wikipedia.org/wiki/Data:Wikipedia_Article_Translation that were Wikipedia – for the number of overall page views, for the data regarding the top pages by language, we compiled and analyzed hourly raw www.wikipedia.org/wiki/Data:Wikipedia_Article_Translation posted by Wikimedia. Additional analysis was performed using data compiled by www.wikipedia.org/wiki/Data:Wikipedia_Article_Translation, an independent site run by John Gruber and based on data from Wikipedia.

- The top pages in the English language version of Wikipedia are a mix of those that include references to current events (BBC), websites (Facebook, Google) and a bit of Hollywood fluff, "Star Wars," "James of Thrones"
- The list for the Japanese version, on the other hand, is made up mostly of culture subjects. Some of the top 10 pages are from the world of comics, not so much.
- Sports were popular on the Spanish version – volleyball and basketball are second and third most popular pages, respectively, while Wikipedia is the seventh largest. History was also popular, with World War II as the six largest and World War I the ninth.
- Social networking was popular in Russian. Third-ranked page VK and Odnoklassniki were No. 4 and No. 5, respectively.

These lists of the most popular pages in 2012 also demonstrate the international popularity of American television shows and movies. The page for the hit movie *Star Wars: The Force Awakens* was not only staffed on the English version, but also appeared in the top 10 for Italian, Portuguese, Japanese and Polish. The fantasy TV series *Game of Thrones* was also popular. That show was among the most viewed pages in English, German, Russian, Italian and French. The TV series *The Walking Dead* and *The Big Bang Theory* also appeared among the top 100.

Despite the explosion of content and Web traffic in dozens of languages, the English version is still by far the biggest and most popular. It had approximately 12 billion page views – more than six times that of Japanese, the next most popular version. The rankings in three other languages, Spanish, German and Russian, had more than one billion page views. Further illustrating the gap in Web traffic, the most visited article on the English version, [List of dead links by year](#), alone had more page views (at 8 million last year) than the top 10 most viewed pages in Japanese combined.



Albercrombie & Fitch Trading Co.
Srinivasa Rao Gubbala
Opposition No. 9/25528
Officer's Name: Srinivasa Rao Gubbala



Notice of Reliance
Exhibit 6



https://www.wildlifetrusts.org/sites/default/files/2020/11/20/FACT_SHEET_2020_11_20_134416.pdf

Aberrant & Fish Trading Co. v.
Stratton Rye Gabbala
Opposition No. 91252388
Offering Party: Stratton Rye Gabbala

Notice of Reliance
Exhibit 7



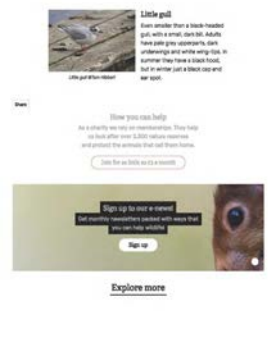
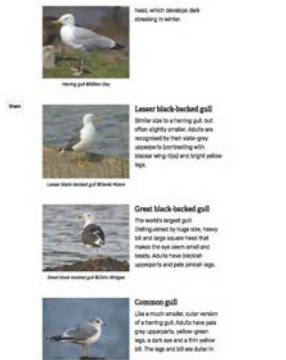
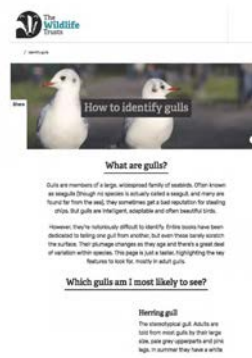




Notice of Reliance
Exhibit 8

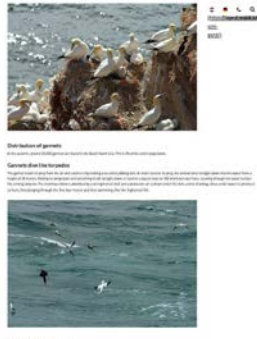
<https://www.ran.org.uk/gulls/learn/identify/identify.html>

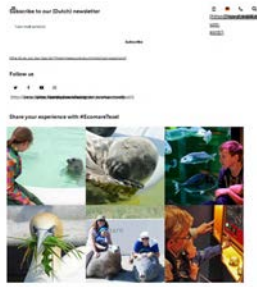
Abercrombie & Fitch Trading Co., v.
Sinnatus Ran Gabbala
Opposition No. 90252388
Offering Party: Sinnatus Ran Gabbala



Notice of Reliance
Exhibit 9

Abercrombie & Fitch Trading Co., v.
Sinnatus Ran Gabbala
Opposition No. 90252388
Offering Party: Sinnatus Ran Gabbala





<https://www.ecomate.com/en/ecomate-website-materials/ecomate-website>

1 Lilian Khosravi 9871 214750
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2800 Tenth Avenue Dr., Suite 300
Oakland, CA 94612
(909) 428-2253
Lilian.Khosravi@ecm.com

5 Attorney for Opposer

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

10 Abrescrombie & Fish Trading Co., }
11 Opposer, }
12 v. }
13 Shrinivas Rao Gubbala }
14 Applicant }
15 }
16 }
17 }
18 }
19 **APPLICANT SHRINIVAS RAO GUBBALA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS**

20 **PUBLICATIONS**

21 Pursuant to Rule 2.122(c) of the Trademark Rules of Practice, 37 C.F.R. § 2.122(c), and
22 TMPP § 704.08, Applicant Shrinivas Rao Gubbala ("Applicant") hereby makes of record and
23 notified Opposer Abrescrombie & Fish Trading Co. ("Opposer") of Applicant's reliance of the
24 following printed publications:

25 1. A true and correct printout of the web page
26 <https://www.youtube.com/watch?v=QD4M8H84k14>, accessed at/recorded on June 13,
27 2022.
28

APPLICANT SHRINIVAS RAO GUBBALA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

1 2022, a copy of which is attached hereto as **Exhibit 1**. Opposer will rely on this web page to
2 show the viewshed of the Film "Ajgar Chakraverty" produced by Gannet Cultural to
3 provide requisite context when discussing the fame of the Gannet Fish Bird Mark.
4
5
6
7
8 A true and correct printout of the web page <https://www.youtube.com/watch?v=QD4M8H84k14>
9 accessed at/recorded on June 13, 2022, a copy of which is attached hereto as **Exhibit 2**.
10 Opposer will rely on this web page to show to provide requisite context when discussing the
11 fame of the Gannet Fish Bird Mark.
12
13 A true and correct printout of the web page accessed at
14 <https://www.bbc.com/news/health-65270146> published on January 14, 2016, a copy of which is attached
15 hereto as **Exhibit 3**. Applicant will rely on this web page to show the reach and
16 reach of the publication to provide requisite context when discussing the dissimilarity in the
17 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
18
19 A true and correct printout of the web page accessed at <https://www.researchgate.net/publication/320141014> published on January 14, 2016, a copy of which is attached
20 hereto as **Exhibit 4**. Applicant will rely on this web page to show the reach and reach of the
21 publication to provide requisite context when discussing the dissimilarity in the right,
22 sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
23
24
25
26
27
28

APPLICANT SHRINIVAS RAO GUBBALA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

1 A true and correct printout of the web page accessed at
2 <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
3 of which is attached hereto as **Exhibit 5**. Applicant will rely on this web page to show the
4 reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
5 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
6
7
8 A true and correct printout of the web page accessed at
9 <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
10 of which is attached hereto as **Exhibit 6**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
11 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
12
13 A true and correct printout of the web page accessed at
14 <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
15 of which is attached hereto as **Exhibit 7**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
16 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
17
18 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
19 of which is attached hereto as **Exhibit 8**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
20 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
21
22 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
23 of which is attached hereto as **Exhibit 9**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
24 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
25
26 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
27 of which is attached hereto as **Exhibit 10**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
28 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.

APPLICANT SHRINIVAS RAO GUBBALA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

1 <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
2 of which is attached hereto as **Exhibit 11**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
3 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
4
5 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
6 of which is attached hereto as **Exhibit 12**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
7 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
8
9 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
10 of which is attached hereto as **Exhibit 13**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
11 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
12
13 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
14 of which is attached hereto as **Exhibit 14**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
15 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
16
17 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
18 of which is attached hereto as **Exhibit 15**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
19 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
20
21 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
22 of which is attached hereto as **Exhibit 16**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
23 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
24
25 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
26 of which is attached hereto as **Exhibit 17**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
27 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
28

APPLICANT SHRINIVAS RAO GUBBALA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

1 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
2 of which is attached hereto as **Exhibit 18**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
3 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
4
5 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
6 of which is attached hereto as **Exhibit 19**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
7 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
8
9 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
10 of which is attached hereto as **Exhibit 20**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
11 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
12
13 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
14 of which is attached hereto as **Exhibit 21**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
15 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
16
17 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
18 of which is attached hereto as **Exhibit 22**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
19 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
20
21 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
22 of which is attached hereto as **Exhibit 23**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
23 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
24
25 A true and correct printout of the web page accessed at <https://www.scribd.com/document/84101101/ecomate-website>, published on May 27, 2022, a copy
26 of which is attached hereto as **Exhibit 24**. Applicant will rely on this web page to show the reach and reach of the publication to provide requisite context when discussing the dissimilarity in the
27 right, sounds and/or meaning between Applicant's mark and the Gannet Fish Bird Mark.
28

APPLICANT SHRINIVAS RAO GUBBALA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and complete copy of the foregoing **APPLICANT SHRINIVAS RAO**
3 **GUBBALA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS AND EXHIBITS 1-24**
4 has been served on the following parties, on June 13, 2022, via email:

5 Lilian.Khosravi@ecm.com
6 Lilian.Khosravi@ecm.com
7 Lilian.Khosravi@ecm.com
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10 Law Office of Lilian Khosravi
11 Attorney for Applicant

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APPLICANT SHRINIVAS RAO GUBBALA'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

Abrescrombie & Fish Trading Co. v.
Shrinivas Rao Gubbala
Opposition No. 91255288
Offering Party: Shrinivas Rao Gubbala

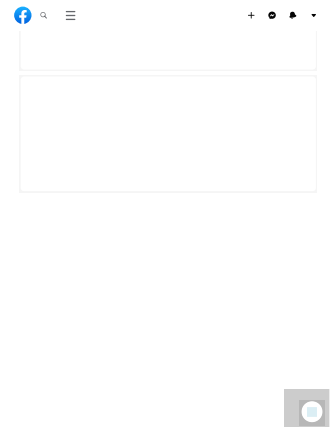
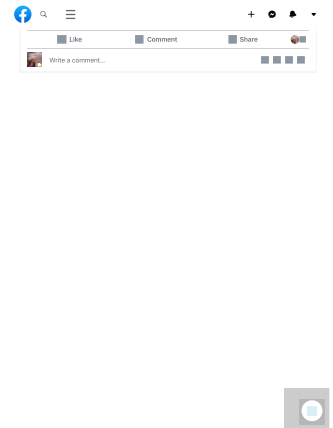
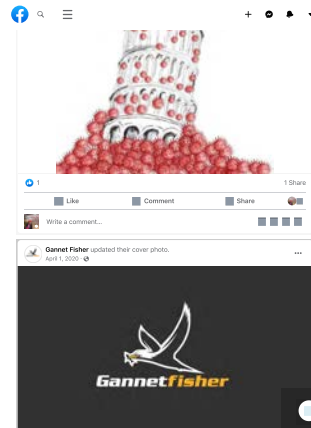
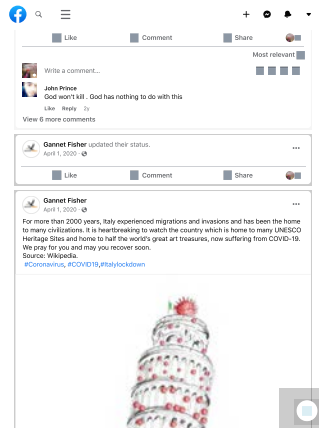
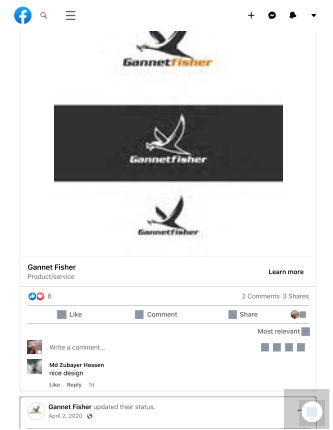
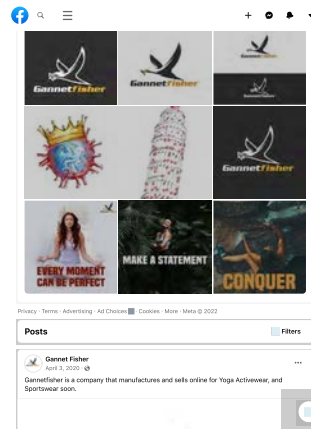
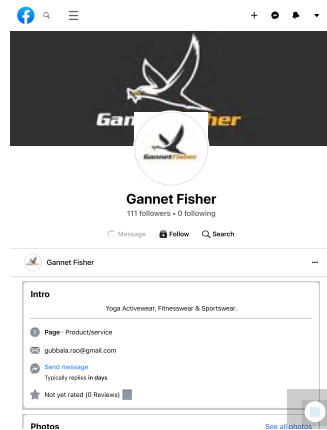
Notice of Reliance Exhibit 10


Abrescrombie & Fish Trading Co. v.
Shrinivas Rao Gubbala
Opposition No. 91255288
Offering Party: Shrinivas Rao Gubbala

Notice of Reliance Exhibit 11



<https://wikidiff.com/seagull-gannet>






gannetfisher

33 posts
19 followers
3 following


Gannett Fisher

POSTS


TAGGED




EVERY MOMENT CAN BE PERFECT




MAKE A STATEMENT




BE A BETTER PERSON BY YOURSELF




IS PROGRESS YOUR PASSION




DONE IS BETTER THAN PERFECT



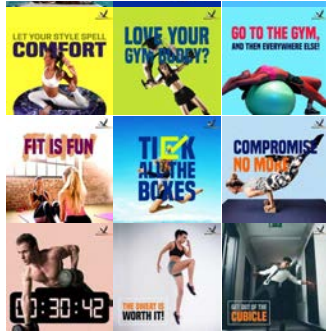
DREAM DOESN'T DO BETTER



RAPID



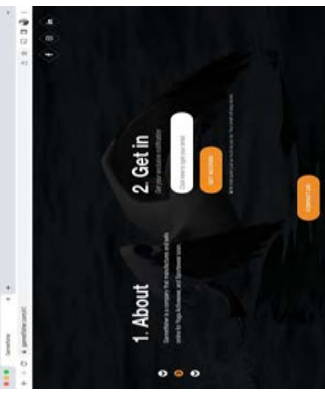
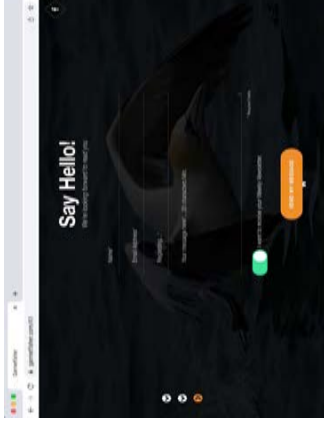
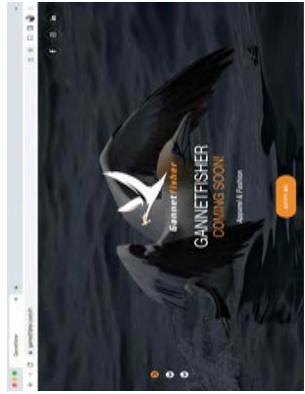
RAISE THE BAR



Meta About Blog Jobs Help API Privacy Terms Top Accounts Hashtags Locations Instagram Lite

Contact Uploading & Non-Users

English © 2022 Instagram from Meta



Knockout Report


Design Description
flying hind

Classes
025

Goods and Services
tops as clothing [025]; bottoms as clothing [025]; haws [025]

 US

06/15/2022 08:14 PM CDT

Mark	Details	Conductivities	Owner
 <p> Trademark: US Reg. # 6009011 Reg. date 03/05/2012 Pub. Filed Int'l Class 25 First Use 05/12/2009 Current Basic </p>	<p> Registered Reg. 03/05/2012 Pub. Filed Int'l Class 25 First Use 05/12/2009 Current Basic </p>	<p> OS footwear, hats, jumpsuits, baskets, athletic bags, basketball cases, bottoms as clothing, cycling bags, cycling bags, cycling clothes, jumpsuits, one piece suits, riding coats, suits and dresses, sports articles, swimwear, tops as clothing. </p>	<p> Yoga Trading (Hongkong) Co., Ltd. 341, Lane 201, No.1 Building 2, No. Chuanxin Street, Chuanxin Street, Guangdong, Guangdong 510000 </p> <p> Attorney: J. Wang </p>

[illegible][illegible]

for medical use, and blood pump-like machines for medical use, including orthopedic supports, manual equipment

020 inflatable bag, inflatable cord, namely, inflatable tubes, air pumps for inflatable devices, electric air pumps for inflatable devices, luggage bags specially adapted for use as bicycles

024 electronic chips for sports activities and sports equipment; interactive

025 rockshocks for cycling and sports; Nordic walking poles; rubber supports in the shape of a foot specially adapted for Nordic walking poles

029 inflatable air beds, not for medical purposes; inflatable camping mattresses; camping beds; tripod stools in the shape of fishing trip stools

032 conventional nets, tents, tarpaulins for use in blocking wind



033 supports for footrests; namely, gel insoles and heelsole insoles for footrests; men's athletic pants; men's cycling socks; athletic shoe insoles, namely, bonded insoles; namely, cycling headbands, headbands, swimgoggles, track caps, hats, bath and fitness towels; swim shoes; boots, namely, also shoe grips; golfbags; headbands; swimwear; inflatable swimwear in the shape of clothing; bathing hats; beach hats; caps; namely swimwear in hats in the nature of bathing; incorporating hats; gloves for sports; namely, bicycle gloves; swimwear; sandals


038 swimmer caps for cyclists

039 footrests for swimming equipment; gymnastic mats

040 gloves for sports; namely, boxing gloves; martial gloves in the nature of

[illegible]

				and electric humming birds and ansons that measure humnity with alarm and napping functions	
5.	Jurisdiction US Reg #420306 Star B000090	Registered Reg 04/05/2016 Pub: 01/19/2016 Filed: 11/13/2015 First Use: 10/12/2006 Current Basic Use	025 birds; birds	Retail Supply Company 351 Commerce Center Drive Las Vegas NEVADA 89109 US Attorney: Theodore R. Barak	
					
	The most common of a stylized fawn bird				
	Birds are in flight or with subsequent wings (B000090) Other use (B000090)				
6.	Jurisdiction US Reg. 6302233 Star B00171101 Chameleon B000090	Registered Reg 07/14/2020 Pub: 04/11/2017 Filed: 09/02/2016 First Use: 03/12/2017 Current Basic Use	026 home gym items, namely, stationary exercise bike, abdominal exercise bike, stationary abdominal dumbbell set, stationary speed exercise bike, stationary exercise bike, fitness expander set, primarily composed of exercise equipment, namely, fitness expanders, chest tube expander, chest ring tube expanders, and chest cross tube expanders, inflex roller rollers, rollers in roller rollers, rollers with large chest	ALDI INC. 1221 N. Oak Road Bensenville ILLINOIS 60009 US Attorney: Vincent J. Dabbs	
					
	The most common of a stylized fawn bird				
	Stylized birds (B000090) Other use (B000090)				
7.	Jurisdiction US Star B000090	Published 11/29/2021	027 birds; namely, duffie bags; sports bags	ALDI INC. 1221 N. Oak Road Bensenville ILLINOIS 60009	

	<p>Filiat 04/10/2020 Current Black ITU</p>		<p>US Attorney Vijay S. Datta</p>
	<p>The mark consists of a red bull head facing right.</p> <p>Electric, garments, toys and other things long-sighted (article 12/12/1994).</p> <p>Goods or marks in the field of: red bull trademark signs</p> <p>Objectives: signs and marks (04/10/2020)</p>		
<p>6.</p>	<p>Articulation US Pub: 552900 Class: 17/000141</p>	<p>Registered Prop 04/10/2018 Pub: 04/10/2018 Filed: 04/11/2017 Current Black Mark</p>	<p>Screening Eagle Techniques AG</p>
<p>The mark consists of a red bull head facing right.</p>		<p>D42 scientific and technological services, namely, research and design in the field of civil engineering; industrial analysis and research services in the field of civil engineering; design and development of constructional structures; civil project planning in the field of civil engineering; research and development in the field of natural sciences, technical sciences and engineering; development and testing of computing methods, algorithms and software; maintenance and updating of software; consulting services in the field of development and use of computer hardware and software;</p>	<p>Document 2 On:001/Screenwatch On:</p>
<p>Objectives: signs and marks (04/10/2020)</p>		<p>technical support services relating to software, namely, troubleshooting of computer hardware problems; electronic data storage; design and development of virtual reality software; hosting of services, technical server administration; design and development of operating software used for accounting and using a cloud computing network; provision of temporary use of on-line non-downloadable operating software for accounting and using a cloud computer</p>	
<p>Class: 04/10/2020 mark signs (2017/04)</p>			

network, cloud computing, namely, cloud hosting provider services, defect inspection on buildings and other structures, engineering services, namely, surveying, engineering quality control for buildings and other structures, namely of data processing equipment.

036 Information communication services, namely: providing access to internet, video, alarm status, building plans and other buildings and security information at a remote station, provision of access to databases, provision of access to computer networks, electronic exchange of data stored in databases accessible via telecommunication networks, provision of access to platforms on the internet.

027 Construction of buildings, tunnels, and bridges, repair of buildings, tunnels, and bridges, installation services for buildings, namely, electrical systems, windows, plumbing, construction, maintenance and repair of buildings and other structures, namely, tunnels, and bridges and provision of information of the above-mentioned services, consultancy services related to the maintenance, repair, installation of buildings and other structures, namely, tunnels, and bridges, installation, maintenance and repair of electricity and water supply measuring apparatus.

009 Apparatus for recording, transmission or reproduction of sound or images, blank magnetic storage media, blank compact discs, blank hard disks, blank digital storage media, data processing equipment and computer software for interaction and for data exchange between several computers, data centers and software applications, electronic marginal monitoring apparatus and

instrumentation, computer software for gas navigation systems, downloadable software for remote monitoring and analysis, of environmental conditions and controlling devices within a building, facility, grounds or designated spatial area.

communication software used for connecting global computer networks; application software for cloud computing services; native, software for storing and managing electronic data; software provided as an integrated management software package; native, software for planning the use of company resources; pattern recognition systems; composed of computer chips, computer hardware and computer operating software; software for logistics and troubleshooting of defects and anomalies in the structural health of a building; facility, structure, grounds or designated spatial area; software for creating, facilitating and managing access to remote local and global networks; and communicating with such networks; software for data and document backup, restoration, storage and retrieval; mobile routers; long energy meters for tracking and monitoring energy usage; interfaces for computers, electronic appliances for wireless reception, storage and transmission of data and wireless; electronic apparatus for the storage, reception, transmission and storage of data; remote control apparatus for controlling devices within a building, facility, grounds or designated spatial area via facilities; maintenance, printers for use with computers for printing photographs and documents; visual display units; native, electronic led display unit with multi-resolution; (flat) displays; capabilities, touch-sensitive panels; displays and control screens; visually useful software for infrastructure inspection and

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

<p>262. APPEAR, FLY ROUND OFF PIKX  The mark consists of the words "APPEAR, FLY ROUND OFF PIKX" in a stylized font, with "APPEAR, FLY" in a larger, bolder font and "ROUND OFF PIKX" in a smaller font below it. The text is enclosed in a rectangular border.</p>	<p>First Use 01/01/2013 Current Basis Use</p> <p>caps and hats, belts, body shirts, bottoms, corsets, skirts, slacks, children's and adults' apparel, namely, jumpers, overalls, hooded rain coats, bathrobes, and one-piece garments, dresses, nightgowns, pajamas, robes, blouses, fishing shirts, for hats, gloves for apparel, golf shirts, belly shirts, hoodies, hooding shirts, jackets, jumpers, knit slacks, leather hats, overalls, over shirts, paper shirts, polo shirts, rain hats, rope shirts, singlet hats (jackets), sports shirts, sports caps and hats, tracking hats, sweat shirts, t-shirts, tank shirts, tee, bathrobe hats, top hats, top, wind shirts, windshirts, windshirts, windshirts, windshirts</p>	<p>263. JACKSON HOLE FLY FISHING SCHOOL  The mark consists of the words "JACKSON HOLE FLY FISHING SCHOOL" in a stylized font, with "JACKSON HOLE" in a larger, bolder font and "FLY FISHING SCHOOL" in a smaller font below it. The text is enclosed in a rectangular border.</p>	<p>First Use 06/01/2003 Pub 06/01/2003 First Use 06/01/2003 First Use 06/01/2003 First Use 06/01/2003</p> <p>264. APPEAR, FLY ROUND OFF PIKX  The mark consists of the words "APPEAR, FLY ROUND OFF PIKX" in a stylized font, with "APPEAR, FLY" in a larger, bolder font and "ROUND OFF PIKX" in a smaller font below it. The text is enclosed in a rectangular border.</p>	<p>265. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>266. NOBLE AIR  The mark consists of the words "NOBLE AIR" in a stylized font, with "NOBLE" in a larger, bolder font and "AIR" in a smaller font below it. The text is enclosed in a rectangular border.</p>
<p>267. ZZ FLY  The mark consists of the words "ZZ FLY" in a stylized font, with "ZZ" in a larger, bolder font and "FLY" in a smaller font below it. The text is enclosed in a rectangular border.</p>	<p>268. ISLAM, IBRAHIM  The mark consists of the words "ISLAM, IBRAHIM" in a stylized font, with "ISLAM" in a larger, bolder font and "IBRAHIM" in a smaller font below it. The text is enclosed in a rectangular border.</p>	<p>269. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>270. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>271. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>272. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>
<p>273. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>274. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>275. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>276. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>277. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>278. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>
<p>279. THE MISSISSIPPI BAPTIST CHURCH OF LOVE  The mark consists of the words "THE MISSISSIPPI BAPTIST CHURCH OF LOVE" in a stylized font, with "THE MISSISSIPPI" in a larger, bolder font and "BAPTIST CHURCH OF LOVE" in a smaller font below it. The text is enclosed in a rectangular border.</p>	<p>280. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>281. UNIDENTIFIED FLY  The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>282. UNIDENTIFIED FLY The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>283. UNIDENTIFIED FLY The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>	<p>284. UNIDENTIFIED FLY The mark consists of a stylized fly with its wings spread, facing right. The fly is black and white.</p>

[illegible]

024 bed covers; plastic table covers; traveling rugs; lap rugs; towels; bed linen; blankets; bedspreads; quilts; bed canopies; bed sheets; pillow cases; comforters; duvet covers; mattress covers; mosquito nets; pillow shams; sleeping bags; cotton; crepe; felt; hair; hemp; jute; linen cloth; cotton; cashmere; jeans; ticking; plaid; cotton base mild fabrics; table covers and table linen. not of paper.

224

paper; posters; mounted and unmounted photographs; book covers; book marks; calendars; gift wrapping paper; paper party decorations, namely, paper napkins, paper doilies, paper place mats, crepe paper, printed invitations, paper table cloths, paper cake decorations; print substrates in the nature of films for transferring dye sublimation ink to three-dimensional objects for embroidery or fabric applique; printed patterns for making costumes, pajamas, sweatshirts and t-shirt; metal money clips

[illegible]

228

[illegible]

242

place mats; mats of textile; table napkins of textile; serviettes and table runners of textile; kitchen linens, namely: cloth doilies, cloth napkins, table table cloths, kitchen towels, table place mats, table runners, table runners, table runners, cloth coasters, curtains; draperies; curtain holders of cloth; curtain burners, handkerchiefs of textile; bath linen; other clothing; bath towels; towels; handkerchiefs of textile; furniture coverings of textile and fabric; fitted covers for toilet kits of fabric; covers for cushions, unfitted covers for cushions, not of paper; textile wall coverings, namely: wallpaper, cotton, polyester, nylon fabric; fabric of imitation animal skins; upholstery fabrics; lingerie fabric; gossamer

025 clothing in the nature of footwear, clothing for men, women and children; clothing for infants; clothing for jogging suits, blouses, jeans, pants, skirts, tank tops, pajamas, cloth bibs, skirts, blouses; dresses; suspenders; sweaters; jackets; coats; raincoats; overcoats; suits; sportswear; caps, vests; belts; scarves; shawls; neckties; pajamas; lingerie; underwear; boots; shoes; sneakers; sandals; booties; slippers; socks; swimwear;

009 apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers; blank recording discs; compact discs featuring music; blank recordable compact discs; blank recordable dvds; mechanisms for coin-operated apparatus for television sets; cash registers, calculating machines, data processing equipment, in the nature of optical couplers, and computers, computer game software; motion picture films featuring comedy, drama, action, adventure and/or animation, and motion picture films for broadcast on television featuring

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[illegible]

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[illegible]

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[illegible]

016 printed matter in the nature of award certificates and forms;

[illegible]

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[illegible]

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[illegible][illegible]

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[illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible][illegible][illegible][illegible][illegible][illegible]

analysis, undertake housing for recording, stock water in channels for channels and underwater environments for physiographic features, electronic navigational instruments, marine, optical apparatus and instruments, namely, optical prisms for underwater photography, theme prisms for underwater photography, and digital, adapter lenses for underwater photography, apparatuses for physics, namely, wave meters, electronic apparatuses and instruments for physics, namely, wave meters, namely, basic, gas, rotary, laboratory chemical reaction, chromatography apparatus for recording, modifying, book marking, transmission, storage and sharing of data and information, downloading and holding a server on a global computer network for the purpose of facilitating a commerce via such a server; computer games, including: computer programs, namely, downloadable software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information, software for downloading and holding a server on a global computer network for the purpose of facilitating a commerce via such a server; computer operating programs, recorded: record player systems, namely, apparatuses for processing audio, radio or water, namely, electronic apparatuses, downloadable, namely, magnetic, namely, recorders, in the field of education, electronic distribution consoles, electric control systems, namely, apparatuses for wireless antenna, namely, radio, namely, apparatuses for transmitting and reproducing sound in magnetic, video, namely, electronic, namely, apparatuses for the production, namely, for photography, namely, apparatuses, namely, apparatuses for photogrammetry, namely, projection, namely, water, namely, voltage

[illegible][illegible]

doors, recorders, sound reproduction
peripherals, intravenous lines, laser
sensors, protection devices, cameras
available for medical professionals,
namely, face protection shields,
radiation shields for x-ray
procedures, and protection for
products and clothing for protecting
against chemicals and radiation;
railway traffic, safety equipment, and
namely, railway signals and electronic
signaling mechanisms, namely, a
control system for use in the railway
industry for detecting and controlling
trains, ground faults, broken rails,
power failures, track switches, and
lights, data processing apparatus,
circuit transmitting apparatus, and
namely, ground circuit regulators, their
protection mechanisms, their
namely, burglar alarms, photographic
film testing apparatus, their
apparatus for photographic prints,
their apparatus for photographic
apparatus for photographic
apparatus for photographic
apparatus for photographic
dispensing pre-determined doses of
medication, liquid charge, chargers
for electric batteries, acoustic and
acoustic, sounding apparatus and
machines, namely, radio soundfield
devices, editing apparatus for
cinematographic films, cathodic
arc-corrosion apparatus, namely,
apparatus for use for measuring
corrosion from a boat in the sea water,
data processing equipment, namely,
namely, their test measuring
apparatus, namely, their alarm,
peripheral devices, and interference
resistance apparatus, namely,
interference apparatus for magnetic
tapes, acoustic controls, security and
alarm systems, their test equipment,
white alarm, namely, signal
transmission, namely, their alarm,
namely, data processing apparatus,
light regulating apparatus, namely,
namely, their control devices for the
alarm, namely, their alarm, namely,
and energy management;
photovoltaic, namely, photovoltaic
computer software applications,
photovoltaic, namely, photovoltaic
peripherals for the collection, storing,
transmission, modifying, time marking,
management, storage and sharing of
data and information, downloadable
information for downloading and loading a
server on a global computer network
for the purpose of enhancing the
commerce via such a server;
downloadable ring tone for mobile
phones, downloadable image files,
downloadable image, namely, video
files, namely, text, audio, video, and
games and internet web links relating
to sporting and cultural activities;
downloadable music files, animated
cartoons, namely, video data and
video tapes with recorded animal
cartoons, photographic films, films
for respiratory masks, their
characteristics, their, their
namely, films, their, their, their, their
their, their, their, their, their, their,
signal, namely, cameras, flashing
apparatus, namely, photographic films,
namely, format printers, their,
darkroom, namely, photographic films,
namely, darkroom lamps,
namely, their, their, their, their, their,
films, editing apparatus, namely,
apparatus used to edit
photographs or make photographs
appear larger or to enhance
magnifying lenses, microscope
cameras and photographic projection,
photovoltaic cells, cameras for
correct lenses, spectacle cases,
namely, p-n-p cells, cameras for
microscopic films, cases especially
made for photographic apparatus and
non-magnetic, identifiable
apparatus for laboratory use;
photographic for use as specialized
time recording apparatus, laboratory
apparatus, namely, digital camera,
cyclochrom, camera, frequency
meter, time clocks, pen lights, their,
their, their, their, their, their, their,

[illegible][illegible]

[illegible]

Wheels and motorcycles, with their
spoke wheels, spokes for vehicles,
wheels, namely airplanes and
vehicles, wheels, namely airplanes
land, air, water or rail, namely
airplanes, motorcycles, bicycles,
trains, vessels, and airplanes;
airbuses, water vehicles, rail
vehicles, namely airplanes, and
that they, electrically powered motor
vehicles, bicycles, delivery bicycles,
bicycles, bicycles, bicycles, bicycles,
inward ways for boats, vehicle
wheels, windturbine spools,
wheels, bicycles, bicycles, bicycles,
hubs for vehicle wheels, saddlebags
adapted for bicycles, railway
wheels, bicycles, bicycles, bicycles,
shock absorbers for bicycles, bicycle
chassis coupling for land vehicles,
bicycles, bicycles, bicycles, bicycles,
wheeled tractors, golf carts, shopping
trolleys, horse carts, English horse
carts, bicycles, bicycles, bicycles,
filing-carts, horse carts, bicycles,
bicycles, trailers for bicycles,
bicycles, bicycles, bicycles, bicycles,
torsion bars for bicycles, tractors,
bicycles, namely, tractors,
bicycles, bicycles, bicycles, bicycles,
bicycles, bicycles, bicycles, bicycles,
military vehicles for transport, auto-
mobiles, bicycles, trailers for ships,
bicycles, bicycles, bicycles, bicycles,
turbines for land vehicles, bicycles,
bicycles, bicycles, bicycles, bicycles,
signals, direction signals for vehicles,
bicycles, namely, outfalls,
bicycles, bicycles, bicycles, bicycles,
rudder gear and gear changing
mechanisms for water vehicles,
bicycles, bicycles, bicycles, bicycles,
transport apparatus and installations,
namely, cable cars, fanular railways,
bicycles, bicycles, bicycles, bicycles,
structural parts for trucks and wagons,
namely, tipping apparatus, fanicular
apparatus, bicycles, bicycles, bicycles,
railcars, yards, undercarriages for
bicycles, bicycles, bicycles, bicycles,
bicycles, cycles, driving chains for

land vehicles; anti-sed chemicals for vehicles; transmission chains for land vehicles; dropper covers for land vehicles; spare wheel covers; covers for vehicle steering wheels; saddle covers for bicycles or motorcycles; fitted seat covers for vehicles; fitted vehicle covers; automobile chassis; vehicle chassis; connecting rods for land vehicles; other than parts of motors and engines; axle journals, namely, axle bearings for land vehicles; gaskets for bicycles; tubless tires for bicycle cycles; tyres for bicycles; bicycles; automobile tires; vehicle wheel tires; pneumatic tires, spools for tires, namely, spools for pneumatic tires; bicycle wheels; davits for boats; buoys; structural parts of ships in the nature of timbers, namely, frames for ships; mudguards; cycle mudguards; motors, electric, for land vehicles; yachts

014 agates as jewelry; diamonds, emeralds, anchorings for clock and watch making; barrels for clock and watch making; bracelets, watch straps, charms, key rings of precious metal; brooches; alarm clocks, pins being jewelry; ornamental pins, tie pins, beads for making jewelry; pearls; mass of amber, top of precious metal, not, unroughed; semi-roughed; pearls; copper tubes; nets, souvenir pendants; watches; coins, the claps, cufflinks, clasps for jewelry; badges of precious metal; gold; ornaments; beanie; ornamental jewelry; ivory jewelry, works of art; precious metal; jewelry, jewelry of yellow metal; jewelry; jewelry; watch straps; semi-precious stones; spun silver; necklaces, rings, boxes of precious metal; watch cases; clock cases; pendulums for clock and watch making; medals; lockets; precious metals; unroughed; semi-roughed; movements for clocks and watches;

clockworks (being clock parts; coins, namely, collectible coins, commemorative coins and non-monetary coins; gold thread; thread of precious metal; silver thread; digrams; osmium; palladium; platinum metal; chrometric instruments; watches; springs; rhodium; ruthenium; stopwatch; silver; urethane; beater; earrings; rings of precious metal; alloy of precious metal; statue of precious metal; alloy of precious metal; watch glass; past jewelry; clock hands; jewelry ornaments of precious metal; ornaments of precious metal; ornaments of jet; cases for watches; cases for clock and watchmaking; chronographs as watches; chronometers; chronoscopes; jewelry chains; watch chains; dials for clock; watch making; atomic clocks; watches; sundials; clocks; watches; electric clocks; namely, control clocks; clock wristbands; jewelry cases; steel

026 fountain pens; aquariums;
albums, namely, coin albums, event
albums, memory books, photo
albums, scrapbook albums, stellar
albums and stamp albums, African
art and artifacts, African art and
memorabilia, atlases, posters; pa-
per boxes for gift wrap; table linen
for paper; printed tickets; forms; printed
announcement cards; notes; notes;
pads, namely, desk pads, legal pad
memo pads, and writing pads; draw
pads; loose-leaf binders; wristbands
for the retention of writing instruments
pamphlets in the field of e-commerce,
business, transportation, finances
services; booklets in the field of e-
commerce, business, transportation
finances services; paper sheets for
note taking; record paper; paper for
recording machines; paper for
radiograms; electrocardiograph pa-

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bars, dwelling boxes, pouch boxes
bags, travelling boxes, nose bags
bags, carrying boxes, horse boxes
brothers; wearing stables, umbrella
stables, namely, umbrella boxes
bags, carrying boxes, horse boxes
brothers; horse collars; for animals
bags, carrying boxes, horse boxes
saddles, umbrella boxes; animal
bags, namely, carried saddles, animal
bags, carrying boxes, horse boxes
blankets for horses, harness game
bags

GB square, namely, aquatum
quadratum, square, square
alabaster, dove houses, net of
window frames, net of metal, adjustable
square, square, square, square
brothers; huts, namely, umbrella
stables, namely, umbrella boxes
net-metal buildings and non-metal
stables; stables, swimming pools,
square, square, square, square
dove of wood; concrete, bluish
points, net of metal, telephone boxes
square, square, square, square
non-knives, paper boxes for
building huts for stables, concrete or
metal, square, square, square
tending animals for building brick
namely, coal for making materials
square, square, square, square
based asphalt surfaces and bar bases
concrete and asphalt paving
square, square, square, square
for building, namely, asphalt, lead,
square, square, square, square
net of metal, gates, net of metal,
dove houses, net of metal
square, square, square, square
for purposes of drainage, stabilizing
erosion, reclamation, plant support,
stabilization, vegetation
stabilization and reinforcement of the
soil, fabrics for use in civil engineering
works, stabilization, vegetation
with road construction, road

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not of metal; not metal hips for roofing; steel-reinforced; not metal; tombstone plaques; not metal; greenhouses; transportation; not metal; terra cotta; paintwork pipes; not of metal; water-pipes; not of metal; gutter pipes; not of metal; ducts; not of metal; ventilating and air conditioning; not metal; drain pipes; not of metal; chimneys; not of metal; rigid pipes; not of metal; sandstone tubes; turnstiles; not of metal; tufa; angle irons; not of metal; lengthening pieces; not of metal; for chimneys; namely, chimney caps and cowls; bicycle parking installations; not of metal; namely, non-metal bicycle racks; not of metal; roof tiles; not of metal; rock crystal; cement for blast furnaces; cement for furnaces; magnesia cement; cement; non-metal; panels; roofing tiles; not of metal; slate; roofing slates; slag stone; clinker stone, namely, bricks; railway sleepers; not of metal; wood veneers; clinker ballast; namely, gravel; not of metal; roofing slates; namely, tiles; not of metal; roof tiles; namely, bricks; latter boxes of masonry

020 picture frame brackets, namely, non-metal mounting brackets for metal use; reels, not of metal, non-mechanical, for flexible hoses; pulleys of plastics for blinks; bolts, not of metal, casiks of wood for decanting wine; mooring buoys, not of metal, casiks, not of metal; barrels, not of metal; identification brackets, not of metal; sideboards; busts of wood, wax, plaster or plastic; costume display stands; bolsters; fans for personal use, non-electric; work benches; vice benches, not of metal; coat hangers; coatstands; shoulder poles; screws, not of metal, display stands; furniture, namely, showcases, newspaper display stands; comb foundations for beehives; signboards

namely; umbrellas; straws; gun racks, namely, the following portable gun racks and the following gun racks; carts for carrying, namely, the following carts; furniture: dressing tables, washstands; typing desks, drafting tables, namely, the following; desks, namely, the following; a dressing changing table, namely, the following; benches being furniture; desks; beds, namely, chairs; dinner nooks; tables; sofas, namely, the following; chairs, namely, the following; metal chairs; high chairs for babies; chests, not of metal; placards; of wood or plastic; stools; chairs; sewing machines; typewriters; sewing machines; stoves, not of metal; for passengers; straw mattresses; decorations of plastic for foodstuffs; beehives; flowerpots; flowerpots, namely, the following; non-mechanical; for flexible garden hoses; door fittings, not of metal; coffee fittings, not of metal; bed fittings, namely, the following; fittings, not of metal; window fittings, not of metal; infant wipers; garment covers; namely, nonmetal and non-paper covers; namely, the following; animals; stuffed birds; hinges, not of metal; eady chairs; poles; not of metal; screens; cupboards; filing cabinets; namely, the following; filing cabinets; namely, the following; metal; plate racks; bamboo carvings; paper blinds; slatted indoor blinds; woven timber blinds; indoor window coverings; namely, the following; screens for fireplaces; yellow amber; mirrors; boxes of wood or plastic; chests for toys; letter boxes, not of metal; namely, the following;

[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]

[illegible]

INSTRUCTIONS

The following instructions apply to the document requests below and should be considered as part of each request:

A. In answering these document requests, furnish all information available to you, including information in the possession of your employees, agents, attorneys, consultants, investigators for your attorneys, or information otherwise subject to your possession and/or control, and not merely information within your own personal knowledge.

B. If any material is withheld under a claim of privilege, state the nature of the privilege claimed (e.g., attorney-client communication or attorney work-product), time, place and those privy to the communication, and all facts upon which you rely to support your privilege claim.

With regard to the production of documents, when there is not an objection to the production of a document other than this privilege, each document so withheld should be separately identified as a privileged document list. The privileged document list must identify each document separately, specifying for each document at least the following:

1. The date the document was created;
2. The sender(s) thereof;
3. The recipient(s), including copy recipients;
4. The general subject matter of the document;
5. The portion(s) of the document as to which privilege is claimed (e.g., one sentence, one paragraph, entire document, etc.); and
6. The basis of such privilege.

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C. The sender(s) and recipient(s) shall be identified by position and entity (corporate or firm, etc.) with which they are employed or associated. The type of privilege claimed must also be stated, together with the certification that all the elements of the claimed privilege have been met and not waived with respect to each document. If Applicant objects to any subpart or portion of a document request or objects to providing certain material requested, state Applicant's objections and answer the unobjectionable subpart(s) of the document requests and supply the unobjectionable material requested.

D. If any of the following requests cannot be responded to in full after exercising reasonable diligence to secure the material, please so state, supply the material for those portions Applicant is able to answer and supply whatever material Applicant has concerning the portion which cannot be answered in full. If Applicant's response is qualified in any particular request, set forth the details of such qualification.

E. Documents shall be produced as they are kept in the usual course of business. In producing the documents and things requested herein, Applicant shall produce them in their original file folders, if any, or in lieu thereof, indicate the set of documents or produced from a given file. Duplicates shall be produced in the same sequence as they are contained or found in the original file folder. The integrity and internal sequence of the requested documents within each folder shall not be disturbed.

F. Documents shall be produced in such fashion as to identify in whose possession they were found and, where applicable, the natural person in whose possession they were found, and the business address of each document's custodian(s), if any.

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G. These document requests shall be continuing, so as to require proper supplemental answers if further information or documents are obtained or developed by you, your counsel, or your agents reasonably after the time that you serve answers to these requests for production.

DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1:
All documents identified, relied upon, or referenced in Applicant's responses to Opposer's First Set of Interrogatories to Applicant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Documents reflecting any and all communications with any Third Party referring in substance or effect to Opposer's Marks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Any and all documents (other than documents filed in this Proceeding or communications between Applicant and counsel for A&F) referring or relating to A&F or its goods or services.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

A sample, model, or accurate photograph of each product bearing or intended to bear Applicant's Mark from your first use to the present, or a mock-up or sample rendition of each proposed product bearing or intending to bear Applicant's Mark from your first use to the present.

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RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

Documents sufficient to identify the distribution and marketing channels of trade that Applicant markets, promotes and offers for sale, or intends to market, promote or offer for sale goods or services bearing Applicant's Mark in the United States, including but not limited to brick and mortar retail locations, social media, your website, and Third Party websites.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Any and all documents referring or relating to any formal or informal trademark searches, investigations, opinions, or evaluation of any records involving Applicant's Mark, including any search to determine whether such mark was available for use or registration.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

All documents relating to any cease and desist letter, litigation, legal proceeding, objections to, or dispute specifically relating to Applicant's Mark other than this Proceeding.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 8:

All documents upon which you will rely to support any claim that Applicant's Mark is sufficiently distinct from Opposer's Mark so as to obviate any likelihood of confusion or mistake as to source or origin.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

All documents that indicate any similarities or differences between Applicant's Mark and Opposer's Marks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

All documents that indicate any similarities or differences between the goods in the description of Applicant's Mark and goods covered by Opposer's Marks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Documents sufficient to identify the persons responsible for the selection, trademark clearance, and/or trademark application of Applicant's Mark.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

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Any and all documents that support and/or rebut the allegations contained in the Notice of Opposition filed in this Proceeding.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

Any and all documents supporting or controverting the statements contained in Applicant's Answer.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

Any and all documents upon which you rely to defend against A&F's Opposition.

RESPONSE:

Dated: December 13, 2021

Respectfully submitted,

Stuart M. Kaminer
Stuart M. Kaminer
Eric W. Lee
K&L GATES LLP
1601 R. St. NW
Washington, DC 20006
smk@klgates.com
eric.lee@klgates.com

Attorney for Opposer
Sherrinlee & Fitch Trading Co.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's First Request for Production of Documents and Things to Applicant has been served on Applicant, Sherrinlee & Fitch Trading Co., on December 13, 2021, via email at lillian.khouri@klgates.com, sept@sherrinleefitch.com, lillian@sherrinleefitch.com, gabbals_m@i@gmail.com.

Eric W. Lee
Eric W. Lee

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Exhibit B

1 Lillian Khouri SRV 314930
2 Law Office of Lillian Khouri
3 1800 Tenth Street Dr. Suite 300
4 Oakland, CA 94612
5 (909) 428-1253
6 Lillian.khouri@klgates.com
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8 Attorney for Opposer
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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Abercrombie & Fitch Trading Co., } Opposition No. 91252288
Opposer, } Serial No. H853046
vs. }
Sherrinlee & Fitch Trading Co., }
Applicant }
}

OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:
All documents identified, relied upon, or referenced in Applicant's responses to Opposer's First Set of Interrogatories to Applicant.

RESPONSE: The responding party is unable to comply with REQUEST FOR PRODUCTION NO. 1 as no such documents exist.

REQUEST FOR PRODUCTION NO. 2:

MOTION FOR ORDER TO COMPEL DISCLOSURE

1 Documents reflecting any and all communications with any Third Party referring in substance or
2 effect to Opposer's Marks.
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RESPONSE: The responding party is unable to comply with REQUEST FOR PRODUCTION NO. 2 as no such documents exist.

REQUEST FOR PRODUCTION NO. 3:
Any and all documents (other than documents filed in this Proceeding or communications between Applicant and counsel for A&F) referring or relating to A&F or its goods or services.

RESPONSE: The responding party is unable to comply with REQUEST FOR PRODUCTION NO. 3 as no such documents exist.

REQUEST FOR PRODUCTION NO. 4:
A sample, model, or accurate photograph of each product bearing or intended to bear Applicant's Mark from your first use to the present, or a mock-up or sample rendition of each proposed product bearing or intending to bear Applicant's Mark from your first use to the present.

RESPONSE: The product in REQUEST FOR PRODUCTION NO. 4 is produced in whole.

REQUEST FOR PRODUCTION NO. 5:
Documents sufficient to identify the distribution and marketing channels of trade that Applicant markets, promotes and offers for sale, or intends to market, promote or offer for sale goods or services bearing Applicant's Mark in the United States, including but not limited to brick and mortar retail locations, social media, your website, and Third Party websites.

RESPONSE: The productions in REQUEST FOR PRODUCTION NO. 5 is produced in whole.

REQUEST FOR PRODUCTION NO. 6:
Any and all documents referring or relating to any formal or informal trademark searches, investigations, opinions, or evaluation of any records involving Applicant's Mark, including any search to determine whether such mark was available for use or registration.

RESPONSE: The responding party is unable to comply with REQUEST FOR PRODUCTION NO. 6 as no such documents exist.

MOTION FOR ORDER TO COMPEL DISCLOSURE

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REQUEST FOR PRODUCTION NO. 7:
All documents relating to any cease and desist letter, litigation, legal proceeding, objections to, or dispute specifically relating to Applicant's Mark other than this Proceeding.

RESPONSE: The responding party is unable to comply with REQUEST FOR PRODUCTION NO. 7 as no such documents exist.

REQUEST FOR PRODUCTION NO. 8:
All documents upon which you will rely to support any claim that Applicant's Mark is sufficiently distinct from Opposer's Mark so as to obviate any likelihood of confusion or mistake as to source or origin.

RESPONSE: The productions in REQUEST FOR PRODUCTION NO. 8 is produced in whole.

REQUEST FOR PRODUCTION NO. 9:
All documents that indicate any similarities or differences between Applicant's Mark and Opposer's Marks.

RESPONSE: The productions in REQUEST FOR PRODUCTION NO. 9 is produced in whole.

REQUEST FOR PRODUCTION NO. 10:
All documents that indicate any similarities or differences between the goods in the description of Applicant's Mark and goods covered by Opposer's Marks.

RESPONSE: These documents are within also within the possession and control of the responding party and on file with the USPTO.

REQUEST FOR PRODUCTION NO. 11:

MOTION FOR ORDER TO COMPEL DISCLOSURE

1 Documents sufficient to identify the persons responsible for the selection, trademark clearance,
2 and/or trademark application of Applicant's Mark.
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RESPONSE: The productions in REQUEST FOR PRODUCTION NO. 11 is produced in whole.

REQUEST FOR PRODUCTION NO. 12:
Any and all documents that support and/or rebut the allegations contained in the Notice of Opposition filed in this Proceeding.

RESPONSE: The productions in REQUEST FOR PRODUCTION NO. 12 is produced in whole.

REQUEST FOR PRODUCTION NO. 13:
Any and all documents supporting or controverting the statements contained in Applicant's Answer.

RESPONSE: Objection. REQUEST FOR PRODUCTION NO. 13 is compound, vague and confusing, and overbroad.

Subject to and without waiving the foregoing objections respondent response as follows: These documents are also within the possession and control of the responding party.

REQUEST FOR PRODUCTION NO. 14:
Any and all documents upon which you rely to defend against A&F's Opposition.

RESPONSE: The productions in REQUEST FOR PRODUCTION NO. 14 is produced in whole at this time. Discovery is still ongoing and Applicant reserves his right to supplement the responses.

Dated: January 12, 2022 By: /s/ Lillian Khouri
Lillian Khouri
Law Office of Lillian Khouri
Attorney for Applicant

MOTION FOR ORDER TO COMPEL DISCLOSURE

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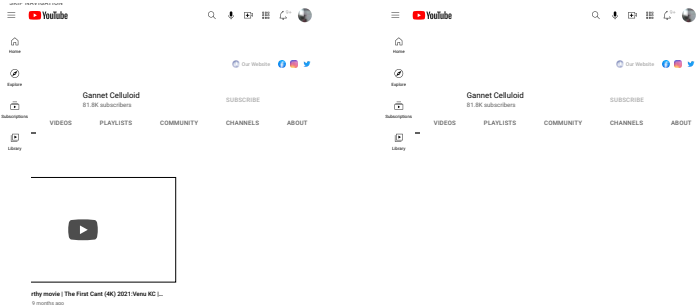
Certificate of Service

I hereby certify that a true and complete copy of the foregoing RESPONSE TO OPPOSER'S FIRST SET OF DOCUMENT PRODUCTION dated January 12, 2022, has been served on Opposer's Attorney of Record by e-mail at the following address:

Sherrinlee & Fitch Trading Co., (sherrinleefitch@klgates.com, WATrademarks@klgates.com, ANFbusiness@klgates.com)

Signature: /s/ Lillian Khouri
Date: January 12, 2022

Exhibit C



UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Abercrombie & Fitch Trading Co.,
v.
Srinivasa Rao Gubbala,
Applicant.

Opposition No. 91255288

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Opposer, Abercrombie & Fitch Trading Co. ("Opposer" or "A&F"), hereby requests that Applicant Srinivasa Rao Gubbala ("Applicant" or "Srinivasa") serve upon Opposer, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rule 2.116 and 2.120 of the Trademark Rules of Practice, sworn answers to the interrogatories set forth below. These interrogatories are continuing, and any information that may be discovered subsequent to the service of the answers should be brought to the attention of Opposer through supplemental answers within a reasonable time following such discovery.

For the convenience of the Board and the parties, and pursuant to the Board's preference (TRMOP § 405.04(b)), Opposer requests that each interrogatory be quoted in full immediately preceding the response. Sworn answers to these interrogatories should be served upon Opposer, c/o Susan M. Kayser, Eric W. Lee, and Kristin Wells via email at susan.kayser@kkgptm.com, eric.lee@kkgptm.com, and kristin.wells@kkgptm.com within thirty (30) days from the date of service herein.

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communications of any nature including e-mails and all information referencing or relating to such messages anywhere on the computer system, text messages, online or offline based instant messages, internal company communications, memoranda, notes, letters, agreements, reports or summaries, reports and/or summaries of interviews, reports and/or summaries of investigations, opinions or reports of consultants or counsel, brochures, pamphlets, advertisements, marketing documents, trade letters, press releases, drafts of documents and revisions of drafts of documents including all metadata, photographs, charts, and all mechanical and electronic sound recordings or transcripts thereof, in the possession and/or control of you or your employees or agents, or known to you to exist, and shall include all non-identical copies of documents by whatever means made and whether or not claimed to be privileged or otherwise excludable from discovery. By way of illustration only and not by way of limitation, any document bearing on any sheet or slide thereof any marks, including, but not limited to, initials, stamped indicia, comment or notation of any character and not a part of the original text or any reproduction thereof, is to be considered a separate document. In the case of documents produced in electronic form, identify the device on which the document was created and/or maintained and the program through which the document can be read or accessed.

F. The terms "Person" and "Party" shall include any natural person, individuals, corporations, sole proprietorships, associations, partnerships, agencies and any other type of organization or entity.

G. The term "Identify" when used in reference to a date shall mean to state the day, month and year on which an event took place.

H. The term "Third Party" shall mean any person other than Applicant and Opposer.

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INSTRUCTIONS

The following instructions apply to the interrogatories below and should be considered as part of each interrogatory:

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clear identifier of the document needs to be listed in response to later discovery requesting the identification of the document.

D. When an interrogatory asks you to "identify" a communication, such identification shall state the date, the communicator, the recipient of the communication, the nature of the communication, place(s) of the transmission of information, mode of transmission (e.g., face-to-face or telephone discussion or email exchange), individual(s) privy to the transmission and what each person stated.

E. When an interrogatory asks you to "identify" a thing, including but not limited to products or physical things, such identification shall state a complete description of the thing, including its common designation, its composition, its physical description, its product identification number and any other distinguishing characteristics.

F. In answering these interrogatories, furnish all information available to you, including information in the possession of your employees, agents, attorneys, consultants, investigators for your attorneys, or information otherwise subject to your possession and/or control, and not merely information within your own personal knowledge.

G. If Applicant objects to any subpart or portion of an interrogatory or objects to providing certain information requested, state Applicant's objections and answer the unobjectionable subpart(s) of the interrogatories and supply the unobjectionable information requested.

INTERROGATORIES

INTERROGATORY NO. 1.

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State all facts that support Applicant's contention that no likelihood of confusion exists or will exist between the registration of Applicant's Mark and Opposer's Marks.

RESPONSE:

INTERROGATORY NO. 1a.

State all facts that support Applicant's contention that no likelihood of confusion exists or will exist between the use of Applicant's Mark and Opposer's Marks.

RESPONSE:

INTERROGATORY NO. 1b.

Identify each person that Applicant intends to rely on as witnesses during the trial period in this proceeding.

RESPONSE:

Dated: December 13, 2021

Respectfully submitted,

Susan M. Kayser /
Susan M. Kayser
Eric W. Lee
K&L GATTS, LLP
1601 K St. NW
Washington, DC 20006
susan.kayser@kkgptm.com
eric.lee@kkgptm.com
Attorneys for Opposer
Abercrombie & Fitch Trading Co.


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DEFINITIONS

As used herein, in Opposer's First Set of Requests for Admission, and in Opposer's First Requests for Production of Documents and Things, the following terms shall have the meaning set forth below:

A. The terms "Applicant," "you," and "or" "your" shall mean Applicant Srinivasa, and any affiliates and any other persons acting on Applicant's behalf.

B. The terms "Opposer" and "or" "A&F" shall refer to Abercrombie & Fitch Trading Co. and any of its past or present officers, directors, partners, trustees, employees, corporate parents, subsidiaries, affiliates, agents, representatives, and attorneys.

C. The term "Applicant's Mark" shall mean the mark subject of U.S. Trademark Application No. 88,555,046 for its design mark  at issue in Opposition No. 91255288.

D. The term "Opposer's Marks" shall mean the following list design marks: U.S. Registration Nos. 3,745,498 for the design mark  covering "clothing, namely, blouses, boxer shorts, camisoles, caps, coats, dresses, footwear, hats, jackets, jeans, knit shirts, knit tops, loungewear, pajamas, pants, scarves, shirts, shorts, skirts, sleepwear, sweat pants, sweat shirts, sweaters, swim wear, t-shirts, tank tops, undershirts, underwear and vests, all sold exclusively through applicant's Hollister stores and Hollister website," which was registered with the USPTO on February 2, 2010; 4,622,932 for the design mark  covering "clothing, namely, headwear, belts, boxer shorts, jackets, jeans, knit shirts, knit tops, pants, shorts, skirts, sweat shirts, sweaters, swim wear, t-shirts and tank tops sold exclusively in Hollister Co. stores and Hollister Co. online web-site," which was registered with the USPTO on September 6, 2011; 3,745,497 for the design mark  covering "clothing, namely, blouses, boxer shorts,

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A. When an interrogatory asks you to "identify" or for "identification" of a natural person, provide the following information, to the extent known, with respect to the person:

1. The person's full name;
2. Present and/or last known (designating which) home address or principal place of business;
3. Present and/or last known (designating which) residence and business telephone number;
4. Present and/or last known (designating which) title, position, or business affiliation;
5. Present and/or last known (designating which) affiliation with Applicant, if any; and
6. In the case of a present or past employee, officer, or director or agent of Applicant, also state the person's period of employment or affiliation with Applicant and his or her present or last known position during his or her affiliation with Applicant.

Once a person has been identified in compliance with this paragraph, only the name of that person needs to be listed in response to later discovery requesting the identification of the person.

B. When the interrogatory asks you to "identify" or for "identification" of a person other than a natural person, provide the following information, to the extent known, with respect to the person:

1. The full and official name of the business entity;
2. Present and/or last known (designating which) principal place of business;
3. Present and/or last known (designating which) business telephone number;

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INTERROGATORY NO. 4.

Identify and describe any and all ways, including all distribution and marketing channels of trade, that Applicant markets, promotes and offers for sale, or intends to market, promote, or offer for sale, any goods or services bearing Applicant's Mark in the United States, including but not limited to brick and mortar retail locations, social media, your website, and Third Party websites.

RESPONSE:

INTERROGATORY NO. 4a.

Identify any and all Third Parties that have assisted in the sale, offer for sale, promotion, marketing, manufacture, distribution, or design relating to goods or services bearing Applicant's Mark.

RESPONSE:

INTERROGATORY NO. 7.






With respect to the applied-for goods intended to be sold or intended to be offered for sale under Applicant's Mark, describe in detail any and all plans and steps taken for commerce use of the mark in connection with the applied-for goods.

RESPONSE:

INTERROGATORY NO. 8.

State all facts and information that you contend dispute or contradict any allegation contained in the Notice of Opposition filed in this Proceeding.

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camisoles, caps, coats, dresses, footwear, hats, jackets, jeans, knit shirts, knit tops, loungewear, pajamas, pants, scarves, shirts, shorts, skirts, sleepwear, sweat pants, sweat shirts, sweaters, swim wear, t-shirts, tank tops, undershirts, underwear and vests, all sold exclusively through applicant's Hollister stores and Hollister website," which was registered with the USPTO on February 2, 2010; 3,855,891 for the design mark  covering "gloves; headwear; scarves;" which was registered with the USPTO on October 5, 2010; 4,091,084 for the design mark  covering "belts, bottoms, coats, footwear; jackets; sleepwear; swimwear; tops; undergarments," which was registered with the USPTO on January 24, 2012; 3,588,412 for the design mark  covering "no-line retail store services featuring personal care products, clothing, jewelry, and bags; retail store services featuring personal care products, clothing, jewelry, and bags," which was registered with the USPTO on March 10, 2009; 4,384,092 for the design mark  covering "retail clothing store services," which was registered with the USPTO on August 13, 2013; 3,392,454 for the design mark  covering "no-line retail store services featuring personal care products, clothing, jewelry, and bags; retail store services featuring personal care products, clothing, jewelry, and bags," which was registered with the USPTO on March 17, 2009.

E. The term "Documents" is used in its customary broad sense to mean all non-identical copies of all hard-copy documents or electronically stored information within the scope of Rule 34 of the Federal Rules of Civil Procedure, including any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether and electronic data consists in an active file, deleted file or file fragment including, without limitation, information stored on any electronic network, hard drives, shared drives, electronic workbooks, PDAs, Personal Storage Tables (.pst's), databases, inboxes or other electronic means;

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4. State of incorporation, if any; and
 5. Present or last known (designating which) affiliation with Applicant, if any.
- C. When an interrogatory asks you to "identify" a document, such identification should describe the document sufficiently so that it can be specifically requested under Fed. R. Civ. P. 34 and should include, without limitation, the following information, to the extent known, with respect to the document:
1. The type of document (e.g., memo, teletype, e-mail);
 2. The title and general subject matter of the document;
 3. The date of the document;
 4. The names and addresses of the authors, addressees and recipients of the document;
 5. The location of the document;
 6. The identity of the person who has possession or control of the document;
 7. Whether the document once was, but is no longer, in your possession, custody, or control; state what disposition was made of it and the reason for such disposition; and
 8. Whether the document has been destroyed, and if so, (a) the date of its destruction, (b) the reason for its destruction, (c) the identity of the person who destroyed it, and (d) any retention policy directing its destruction.

Applicant may, in lieu of such identification, produce the document, identifying the individual file keeper and marked with the number of the interrogatory to which it is responsive, for inspection and copying by Opposer at the time Applicant serves its answers to these interrogatories. Once a document has been identified in compliance with this paragraph, only the title or other abbreviated,

7

RESPONSE:

INTERROGATORY NO. 5.

Identify each person with knowledge as to facts underlying your claims or defenses in this proceeding.

RESPONSE:

INTERROGATORY NO. 1b.

State all facts that support Applicant's contention that the Applicant's Mark and Opposer's Marks are not similar.

RESPONSE:

INTERROGATORY NO. 1c.

State all facts that support Applicant's contention that the goods in the description for Applicant's Mark and goods covered by Opposer's Marks are not similar.

RESPONSE:

INTERROGATORY NO. 1d.

Identify any Third Party marks that support Applicant's contention that no likelihood of confusion exists or will exist between the registration of Applicant's Mark and Opposer's Marks.

RESPONSE:

INTERROGATORY NO. 1e.

11

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Attorney for Opposer

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Abercrombie & Fitch Trading Co.,
v.
Srinivasa Rao Gubbala,
Applicant.

Opposition No. 91255288
Serial No. 88555046

RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1:

Identify the persons most knowledgeable with respect to Applicant's selection, creation, design and adoption of Applicant's Mark. For each person identified, their respective areas of knowledge should be briefly summarized.

RESPONSE:

Objection, INTERROGATORY NO. 1 is compound and overbroad.
Subject to and without waiving the foregoing objections respondent response as follows:

USPQ2d at 1692; see also TMEP § 1209.01

The Hollister Bird Mark does not suggest or describe any ingredient, quality or characteristic of A&F's clothing or other goods, and A&F's use is unexpected. Additionally, Plaintiff's extensive unsolicited third party media attention and other evidence of fame discussed *supra* at Sections IV.D and V.C.5 show that the Hollister Bird Mark has established a high degree of distinctiveness among consumer and the public associates it exclusively with the Hollister brand. See Chanel, 110 USPQ2d at 2025 (holding that fame evidence established high degree of distinctiveness). Accordingly, the inherent distinctiveness of the Hollister Bird Mark makes it more likely that Opposer's Mark will be blurred by Applicant's use of Applicant's Mark.

Opposer is engaging in substantially exclusive use of its Hollister Bird Mark, as evidenced by its robust enforcement of trademark rights through enforcement efforts, cease and desist letters, and opposition before the Board against similar marks (16 TRIABUE 9-13, Kramer Dec. ¶ 24, Exs. 31-44). Moreover, Applicant has not offered any evidence of third-party use of similar design marks. *New York Yankee's Pitch*, 114 USPQ2d at 1507, 1511 (finding this factor favors likelihood of dilution where "[t]here is no evidence in the record of any third-party use of a design mark similar to [opponent's design mark]" and "Applicant introduced no evidence as to the extent of the use and promotion by third parties of their [word] marks").

As to the element of whether Applicant intended to create an association with the Hollister Bird Mark, it would be impossible not to be aware of the Hollister Bird Mark given its widespread use and third party recognition. As set forth *infra*, the degree of recognition of the Hollister Bird Mark is substantial, including coverage in nationwide magazines and newspapers, appearances in television shows and movies aired nationwide, numerous unsolicited references on the Internet

identifying celebrities wearing Opposer's Mark, [REDACTED] dollars in sales, and hundreds of millions of visits to the A&F website. (16 TABVUE 2-5; Kramer Decl. ¶¶ 6, 9, 11; 15 TABVUE 4-8; Notice of Reliance ¶¶ 14-19, 20, 22, 23, 25, 27-29, 31, and 33; Exs. 14-19, 20, 22, 23, 25, 27-29, 31, and 33).

Where, as here, the application is filed on an intent to use basis and there has been a limited opportunity for the public to make any actual association between the parties' design marks, the factor "actual association" between Applicant's mark and the famous mark is neutral. *New York Yankees P'ship*, 114 USPQ2d at 1509.

Where, as here, the application is filed on an intent to use basis and there has been a limited opportunity for the public to make any actual association between the parties' design marks, the factor "actual association" between Applicant's mark and the famous mark is neutral. *New York Yankees P'ship*, 114 USPQ2d at 1509.

Accordingly, consumers, upon seeing Applicant's use of Applicant's Mark on his goods, are likely to be immediately reminded of the famous Hollister Bird Mark and associate Applicant's use with A&F.

VI. CONCLUSION

A&F has shown that eight of the thirteen *DuPont* factors weigh heavily in its favor for a finding of a likelihood of confusion, and the remaining factors are neutral or are not relevant. Additionally, A&F has further demonstrated that there is a high likelihood of dilution by blurring. Accordingly, A&F respectfully requests that the Board refuse registration of Serial Nos. 88/555,046 for Applicant's Mark for the goods and services specified therein pursuant to Sections 2(d) of the Trademark Act and 43(c) of the Lanham Act, based on a likelihood of confusion and dilution, and sustain the present opposition proceeding in favor of A&F.

Dated: March 15, 2023

Respectfully Submitted,

Attorneys for Abercrombie

Susan M. Kayser

9	Geno Fund, Inc. v. Sutton's Findeaville, Inc., 710 F.2d 2a 1165, 75 USPQ 2d (Fed. Cir. 1983)	11
10	90 USQ142 147 (TTAB 2006)	12
11	Goodlyson Corp. v. Roth Worldwide, Inc., 4 USQ150 1835 (TTAB 1989)	13
12	Handbook Copy Right (T.S.O. Inc. v. Davis, 60 USPQ2d 1457 (TTAB 1991)	14
13	Harvey Weinstein, Inc. v. Bear Motion Corp., 111 USPQ145 1457 (TTAB 2001)	15
14	HBE Associates Inc. v. Weiss Associates, Inc., 4 USQ150 1837 (TTAB 1989)	16
15	In re Infinity Broadcasting Corp. of Dallas, USQ150 1214 (TTAB 2001)	17
16	Kampel Ltd. v. Kensington U.S.A. Inc., 978 F.2d 1461, 25 USPQ2d 1457 (Fed. Cir. 1992)	18
17	Kramer Parker Toys, Inc. v. Rose Art Indus., 80 USPQ2d 1466, 25 USPQ2d 1455 (Fed. Cir. 1992)	19
18	Kimberly-Clark Corp. v. H. Douglas Ent., Inc. 70 USPQ2d 1474, 22 USPQ2d 541 (Fed. Cir. 1995)	20
19	L.C. Eastman, Inc. v. Bostwick, 86 USPQ2d 1837 (TTAB 2008)	21
20	Lacoste Alliance S.A. v. Mammy, Inc., Opposition No. 11377664 (Oct. 1979)	22
21	Lacoste Alliance S.A. v. Southwestern Seals Corp., LLC, Opposition No. 9124485 (August 20, 2021)	23
22	In re Mamotte Clothing Co., 315 F.3d 1311, 63 USPQ2d 1457 (Fed. Cir. 2001)	24
23	Matheson Pat. & Trad. Co. v. Secor Des Produits Nestlé S.A., 405 F.3d 1446, 103 USPQ2d 1453 (Fed. Cir. 2002)	25
24	In re Midway Ltd., 80 USPQ2d 1474, 22 USPQ2d 1257 (Fed. Cir. 2010)	26

9625323 <i>Steel Market Inc. v. American S.I.</i>	
80 USPOQ 1774 (TAB 2001)	37
<i>New York Institute Patent v. HTI Patent & Service, Inc.</i>	
114 USPOQ 1497 (FTAB 2015)	37
<i>Nike Inc. v. Maher</i>	
168 USPOQ 1838 (FTAB 2011)	37, 47
<i>Nixon Res. S.A.R.L. v. E.F.F. Enters.</i>	
899 F.2d 707, 17 USPQ2d 1901 (Ft. Cir. 1989)	32
<i>Older, Simpson & Co. v. Dredford Sengupta, Inc.</i>	
108 USPOQ 379 (FTAB 2011)	37
<i>Palco Res. Inc. v. France Cleopatra Promotional Fondation En 1772, 396 F.2d 1043, 18 USPQ2d 1043 (Ft. Cir. 2005)</i>	20, 31, 34, 347
<i>In re Pabst, Inc.</i>	
23 USPOQ 176, 179 (TAB 1992)	28
<i>Parsons Patent Fund Ltd. v. Benson Holdings, Inc.</i>	
<i>After Pardon Computer Communications, CANC (T.A.B. Apr. 24, 1998)</i>	28
<i>In re Pisoni Pneu, Inc.</i>	
USPTO Case 80-35262, 21 TEX. LEXIS 281, 17 (TAB 1997, 3, 2001)	41
<i>Planters Nat'l Chocolate Co. v. Crown Nat'l Inc.</i>	
305 F.2d 814, 34 USPQ2d 164 (CA-10 1962)	32
<i>Pontiac-Fisher Corp. v. Pontiac-Fisher Truck Co. v. General, Inc.</i>	
224 US 646 (1914) (TAB 1994)	20, 31, 22, 25
<i>Reynolds Inc. v. Becton</i>	
214 F.2d 54, 56 USPOQ 1149 (Fed. Cir. 2008)	31, 41
<i>In re Syntex Pharmaceuticals, Inc.</i>	
221 USPQ 81 (1984)	31
<i>Storck Inc. U.S. Brand, LLC v. Carpano, Inc.</i>	
78 USPOQ 174 (FTAB 2008)	37, 35
<i>Storck U.S. Brands, LLC v. Sanyang Industry Co., Ltd.</i>	
116 USPOQ 1237 (FTAB 2016)	37, 30
<i>Time Warner Entertainment Co. v. Genie</i>	
65 USPOQ 1670 (TAB 2002)	21, 34, 40

<i>In re Tropic E.R. Mfg. Corp.</i> 146 USPQ 447 (TTAB 1970).	20
<i>Intercontinental News, Inc. v. United Int'l.</i> 100 USPQ 188 (TTAB 2011).	46
<i>In re United States Distributors, Inc.</i> 229 U.S. 423, 237, 598 W.2d (TTAB 1986).	2
<i>In re Vantage Systems Mfg. Co.</i> 14 USPQ 2044 (TTAB 1995).	2
<i>In re Vantage Sys.</i> 671 F.3d 1358, 101 USPQ 1905 (Fed. Cir. 2012).	26, 27
<i>West Seal Inc. v. FD Management Inc.</i> ICJ USPQ 1629 (TTAB 2007).	2
<i>In re Whole Seal by DAZ, LLC.</i> Serial No. 77724-74, 212 WI.68440, *1 (TTAB 2012).	2
<i>Wolfe, Inc.</i> 57 USPQ 1863 (TTAB 2011).	39, 40
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37 C.F.R. § 2.120(a); 2.122(a)-(c); 2.122(e); 2.120(a), Rule 2.122(a)-(c).	27
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<i>Is. re. Rex Snow Browning Co.</i> 117 USPQ2d 1619 (TTAB 2010).	17
<i>Is. re. Best Products Co., Inc.</i> 23 USPQ2d 983, 989 (TTAB 2008).	28
<i>Is. re. Carlos Lomelí's Puma Industrial de Fátima S.A.</i> 221 USPQ2d 1011 (TTAB 2010).	21, 32
<i>Is. re. Oscar Products, Inc.</i> 293 F.3d 63, 63 USPQ2d 1303 (Fed. Cir. 2002).	26, 31, 32, 33
<i>Barnes v. Shur Co. v. Rohlfing</i> 960 USQ 1752 (TTAB 2019).	19
<i>Is. re. Colgate Corp.</i> 435 F.2d 1268, 1269 USPQ 77 (CCPA 1971).	24
<i>Century 21 Real Estate Corp. v. Centra Pty. Ltd.</i> 795 F.2d 674, 675 USPQ2d 1098 (Fed. Cir. 1992).	26
<i>Clasid, Inc. v. H&M</i> 110 USPQ2d 2613 (TTAB 2014).	<i>passim</i>
<i>Clasid Realizaciones, S.A. v. H&M</i> 803 F.3d 1237, 83 USPQ2d 1123 (Fed. Cir. 2016).	31
<i>Is. re Cook Medical Technologies, LLC</i> 105 USPQ2d 1177 (TTAB 2012).	28
<i>Is. re Dorel Industries, Inc.</i> 960 F.3d 1297 (Fed. Cir. 2018).	21
<i>Is. re E.I. Du Pont de Nemours & Co.</i> 429 F.2d 1377, 177 USPQ2d 90 F.3d 1377, 1378.	27
<i>Four Seasons Operating Co. v. Royal Paper Converting Co.</i> 75 USPQ2d 1624 (TTAB 2007).	27

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Trial Brief has been served on Applicant, Simivasa Rao Gubbala, on March 15, 2023, via email at lillian@khoravilaw.com.

Kristin E. Wells
Kristin E. Wells
Attorney for Opposer Abercrombie
and Fitch Trading Co.

Statutes


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APPLICANT SHIVSAYA RAO GUBRALA TRIAL BEEF

Applicant Savitara Rao Gadhala ("Applicant") is an individual entrepreneur who has the agent she tried and wishes to have his brand around it. Applicant has always admired the speed and strength of the mark as it sweeps into a body of water to catch a fish and wanted to capture this kind of fluidities and grace in line of sportswear clothing. In doing so, the Applicant created and applied for incorporation a fully colored mark with fully integrated text that was fish in a boat. ("Applicant's Mark"). Applicant also uses this imagery of the Applicant's production company.



Opposer, Abercrombie and Fitch Trading Co. (hereinafter, "Opposer" or "A&F") has well known reputation of selling high priced clothing items and accessories to a very specific target market, namely, "trendy" teenagers. Opposer's Co.'s known logos are comprised of the silhouette of a flying squirrel (collectively "Opposer's Mark").



Applicant argues that there is no likelihood of confusion that exists between Applicant's Mark and Opposer's Mark and, thus, there is no risk of dilution. As such, Applicant respectfully submits that the evidence before the Board warrants judgment in favor of Applicant by granting of Applicant's Mark the allowance to continue in the trademark application proceedings.

II. DESCRIPTION OF THE RECORD

The record for this disposition consists of

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AMPO & ANI SPOONKAR & ASSOCIATES V. SAVITARA RAO GADHALA'S TRADE MARK

1. Applicant's Application No. 88355/04/06;
2. Opponent's Registration No. 3,745,498, 4,022,932, 3,745,497, 3,855,891, 4,091,484, 3,538,412, 4,384,092 and 3,592,634;
3. Opponent's Opposition (1 (17AIVBUE));
4. Applicant's Answer (4 (17AIVBUE));
5. the parties' Joint Stipulation of Facts (14 (17AIVBUE)) (Joint Stip.);
6. Opponent's Notice of Reliance on Pastoral Publications (Joint Stip.);
7. Opponent's Testimonial Declaration (reduced public version at 10 (17AIVBUE); confidential version at 17 (17AIVBUE));
8. Applicant's Notice of Reliance (18 (17AIVBUE));
9. Applicant's Testimonial Declaration (19 (17AIVBUE));
10. Opponent's Notice to Strike (20 (17AIVBUE), Applicant's Opposition (21 (17AIVBUE));
11. Opponent's Reply (22 (17AIVBUE), and the Board's Order on Motion to Strike and Restoring Trial Dates (TAB 24, 25);
12. Opponent's Rebuttal Notice of Reliance (25 (17AIVBUE)).

A. Applicant's Evidence

During its testimony period Applicant filed: (i) the Testimony Declaration of Saino Raul Gubella dated June 15, 2002 (17 (17AIVBUE), Ex. 1-15) (Notice of Reliance on Pastoral Publications dated June 15, 2002 (17 (17AIVBUE), Ex. 1-12); Applicant updated to Opponent filing of the Joint Stipulation of Facts dated June 15, 2002 and Exhibits 1-11 (14 (17AIVBUE)); and (ii) the Applicant's Answer (4 (17AIVBUE)).

The evidence and testimony contained within these declarations and Notices of Reliance are summarized below:

i. Joint Stipulation of Facts

Pursuant to 37 C.F.R. § 1.2123, during Opponent's testimony period, Opponent and Applicant made of record a Joint Stipulation of Facts (14 (17AIVBUE)).

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APPENDIX A: MR. SAINO RAOUL GUBELLA'S TESTIMONY

2 *ii. Notice of Reliance on Patent Publications*

3

4 Pursuant to Rule 2.122(c) of the Trademark Rules of Practice, 37 C.F.R., 2.122(c)(2)

5 TIMP’s 704.08, during its testimony period, Plaintiff’s reliance on *Sevin Galabala* (“Galabala

6” hereinafter “Galabala”) was not material and sufficient. Applicant’s reliance of the certain prior publication

7 (TARVUJ) regarding:

8 - Webpages to provide the requisite context when discussing the fame of the Genest Fish

9 *Brand Mark*, ¶¶ 2, Exs. 1, 2;

10

11 - Webpages to show the reach and readership of the publications to provide requisite

12 context when discussing the dissimilarity in the sight, sounds and/or meaning between

13 Applicant’s mark and the Genest Fish *Brand Mark* (¶¶ 3.4, 5.6, 7, Exs. 3, 4, 5, 6, 7).

14

15 - Webpages, relevant to show the dissimilarity in the sight, sounds and/or meaning

16 between Applicant’s mark and the Genest Fish *Brand Mark* (¶¶ 8, 9, 10, 11, 12, Exs. 8, 9,

17 11, 12).

18

19 *iii. Testimony Declaration of Sriniwasa Rao Galabala*

20

21 Mr. Galabala testified in his opening affidavit (19 TARVUJ) regarding:

22

23 - His qualifications to testify about Applicant’s Mark and the business that will be

24 the products under Applicant’s Mark (¶¶ 1-2);

25 - Applicant’s Mark and Products (¶¶ 3)

26 - Gametfisher LLC’s Sales (¶¶ 4, 5; Ex. 1)

27 - Gametfisher LLC’s Marketing and Promotion (¶¶ 6-7; Exs. 2, 3, 4)

28 - Popularity of *Brand Mark* in *Lopex* (¶¶ 8-11; Exs. 12-15)

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APPLICANT SRINIVASA RAO GALABALA vs. GREAT BRITISH

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4 b. *Opposer's Evidence*
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6 During its opening testimony period Opposer filed: (i) Joint Stipulation of Facts dated
7 April 15, 2022 and Exhibits 1-11 (14 TABVUE); (ii) Notice of Reliance on *Printed*
8 April 15, 2022 and Exhibits 1-45 (15 TABVUE); (iii) public and
9 confidential versions of the *Testimony Declaration of Mr. J. Kanner* dated April 14, 2022 and
10 Exhibits 1-44 (16 TABVUE); 17 TABVUE); (iv) Opposer's *Rebuttal Notice of Reliance*
11 dated April 14, 2022 and Exhibits A-B (25 TABVUE).
12
13 c. *III. STATEMENT OF THE PROCEEDINGS AND ISSUES*
14
15 On April 14, 2020, Opposer filed an opposition against Applicant's mark (serial
16 number 88355546) alleging Applicant's Mark is likely to be confused with Opposer's Mark
17 under Section 2(b) of the *London Act*, and that Applicant's mark is likely to dilute Opposer's
18 Mark. The Board instituted the proceeding on Opposer's Motion No. 9125528. Applicant filed their
19 answer with the Board on May 14, 2020 (TABVUE). Opposer filed a Motion to Strike
20 Applicant's Trial evidence on June 26, 2022; however, on December 12, 2022, the Board issued
21 an Order denying Opposer's Motion to Strike.
22
23 d. *IV. STATEMENT OF FACTS*
24
25 As demonstrated by the parties' Joint Stipulation of Facts discussed below in conjunction
26 with Opposer's and Applicant's evidence, the core facts demonstrating confusion and dilution
27 are disputed between the parties.
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29 a. *Applicant For Applicant's Mark*
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1 Applicant filed U.S. Application No. 8555568 on July 31, 2019. Applicant's mark depicts a
2 garment (id. (TTABVue 6, June Sup. ¶ 13)) Applicant's Mark covering "Belts; Belts for
3 clothing; Belts made of leather; Belts of textile; Clothing items; suits, jackets, trousers,
4 blouses, blouses, shirts, dresses and trousers; Clothing jackets; Clothing shirts; suits,
5 suits applied to the undersides of skirts, blouses and trousers; Clothing tops; Clothing, namely,
6 basic layers; Clothing, namely, maternity bands; Clothing, namely, wrap-around; Gloves as
7 clothing; Hats; Hiking jackets; Hoodies; Hoodies; Jackets for men, women and kids; Shirts; Shirts
8 and short-sleeved shirts; Shirts for infants, babies, toddlers and children; Shirts for suits; Shirts;
9 Sports jackets; Sports hats; Sports caps and hats; Sports jerseys and knicker for sports; Sports
10 wear uniforms; Sports shoes; Sports singlets; Sports vests; Top hats; Undershirt clothing; Undershirts;
11 Undergarments, namely, waives; Woolly hats; Yoga shirts; Athletic shirts; Baby
12 bottoms for clothing; Cargo shirts; Collared shirts; Down jackets; Dress shirts; Fingerprint gloves
13 as clothing; Graphic T-shirts; Head wraps; Knit jackets; Leather jackets; Leather coats; Long
14 sleeved shirts; Night shirts; Open-necked shirts; Polo shirts; Shoulder wraps; Shoulder wraps for
15 clothing; Sport shirts; Sports shirts with short sleeves; T-shirts; Tee-shirts; Women shirts in
16 International Class 25, and claimed an intent to use filing basis (14 TTABVue 1-2, June Sup. ¶
17 13).

18 **b. Applicant's Use of Similarity of Goods and Market.**
19 Applicant incorporated in LLC in the State of Oregon using the name Gannetfisher in
20 2019. Applicant is also owner of the company Gannet Clothing, which is a private company
21 based in India and created for the Indian fish market. Both companies heavily feature the gannet
22 throughout their advertising and various designs. Applicant has created mockups of the products
23 that will be sold, with the focus of the products predominantly being sportswear. (19 TTABVue
24 ¶ 14) and 5.) Applicant plans to use their product through e-commerce including their own website.

25 **c. Marketing and Distribution of Applicant's Mark**
26 Applicant has created multiple social media accounts as well as websites and other
27 marketing materials. (19 TTABVue ¶ 6 and Ex. 2, 3, and 4.) The sister company of
28 Gannetfisher LLC, Gannet Clothing, has also produced a film in India centering on a well known
29 Indian athlete.

30 APPLICANT SRINIVASA RAO GUBBALA'S TRIAL BRIEF

1 **4. Opposer's Trademark Registrations**
2 Opposer owns multiple marks that consist of the silhouette of a seagull, two of which
3 have a close claim of conceptual similarity (14 TTABVue Exs. 5 and 10). Opposer's registered mark
4 Nos. 3750580, 4022032, 3745497 relate to clothing "sold exclusively in India" in Classes 25 and 18
5 and 6. Opposer's online website: (14 TTABVue 2-3, June Sup. ¶ 2-4, Exs. 3, 4, and 5).
6 Opposer's registered mark Nos. 3589112, 4384802, 390454 are all registered for retail and
7 online retail stores in class 35. (14 TTABVue 4-5, June Sup. ¶ 5-6, Exs. 8, 9, and 10).
8 Opposer's mark Nos. 385391 and Nos. 401991 are registered for the goods "Clothes;
9 Headwear; Scarves" and "Belts; Bottoms; Coats; Footwear; Jackets; Sleepwear; Suits; Sweaters;
10 Tops; Undergarments." (14 TTABVue 3-4, June Sup. ¶ 7-8, Exs. 6, and 7).
11

12 **V. ARGUMENT**
13 **a. Opposer is Not Entitled to a Statutory Construction**
14 Under Section 15 U.S.C. § 1063, an opposition to registration may be filed by "any
15 person who believes that he would be damaged by the registration of a mark," and only those
16 persons whose interests fall within the zone of interests protected by the statute and who have a
17 reasonable belief of damage have a claim to a statutory cause of action to oppose
18 registration. See *Consumers, LLC v. RPM, LLC*, 978 F.3d 1296, 2020 USPQ2d 11277, at *4.4
19 (Fed. Cir. 2020), cert. denied, 141 S. Ct. 3671 (2021). In the present case, Opposer does not have
20 a reasonable belief of damage to the marks in question substantially due to the point that the
21 average consumer would not mistake the source of the Applicant's goods with that of Opposer's
22 goods.
23 **b. Applicant's Mark is Not Likely to Cause Confusion with Opposer's Mark**
24

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1 **i. The Daft Fact**
2 **ii. Similarity of the Marks**
3 The determination of likelihood of confusion under Trademark Act Section 26(1), 15 U.S.C. §
4 1052(a), is based on an analysis of all of the probative facts in evidence that are relevant to the
5 factors bearing on the likelihood of confusion. (Daft 177 USPQ2d at 567 (the "Daft" factors)
6 cited in *B&B Hardware, Inc. v. Hargis Indus., Inc.*, 775 U.S. 138, 113 USPQ2d 2045, 2049
7 (2015)). are also in *Re Majestic Dining Co.*, 315 F.3d 111, 45 USPQ2d 1201, 1203 (Fed. Cir.
8 2003), in considering the evidence of record bearing on these factors, the court has stated "[t]he
9 fundamental inquiry mandated by § 261 goes to the cumulative effect of differences in the
10 characteristic elements of the goods and differences in the marks." *Federated Foods, Inc. v. First
11 Federal Paper Co.*, 544 F.2d 1096, 192 USPQ 24, 29 (CCPA 1976). The similarity or
12 dissimilarity of the marks is determined based on the marks in their entirety. *In re Nuti Data Corp.*,
13 607 F.2d 1085, 224 USPQ 748, 751 (Fed. Cir. 1985), are also *Franklin Mint Corp. v.*
14 *Master Mfg. Co.*, 467 F.2d 1085, 212 USPQ 233, 234 (CCPA 1981) ("It is axiomatic that a mark
15 should not be dissected and considered piecemeal; rather, it must be considered as a whole in
16 determining likelihood of confusion.")
17 On the other hand, different factors may be analyzed to determine whether the marks are
18 similar. *Price Candy Co. v. Gold Medal Candy, Inc.*, 229 F.2d 719, 105 USPQ2d 268, 280 (CCPA
19 1955). Therefore, "in ascertaining reasons for excluding a confusion on the issue of confusion,
20 there is nothing improper in stating that, for rational reasons, more or less weight has been given
21 to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the
22 marks in their entirety." *In re Nuti Data Corp.*, 224 USPQ at 751. That is, one feature of a mark may
23 be more significant or dominant in creating a commercial impression. See *In re Florida Ice, & Cold*
24 *Co.*, 471 F.2d 1338, 161 USPQ2d 1685, 1688 (Fed. Cir. 2012).

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1 Here, Applicant's mark is composed of a fully colored gannet bird with a fish in its mouth.
2 Applicant's design feature is sufficient to distinguish between the marks. This is especially true in
3 this case where, as here, Opposer's design element is a common generic bird shape, which is not
4 likely to be confused by an average purchaser to distinguish the services. *Cy, In re Dixie Rest.*,
5 *Inc.*, 105 F.3d 1405, 41 USPQ2d 1531, 1534 (Fed. Cir. 1997) (finding that the "ordinary
6 consumer shape that serves as a background for the word mark" did not change the commercial
7 impression or the likelihood of confusion between Applicant's Applicant's bird shape
8 components or the literal elements of the mark and is likely to be perceived or recalled by
9 consumers as the details are what is memorable for the mark. Opposer's seagull marks are only a
10 silhouette, some of which are restricted to the color background. Applicant's mark employs the
11 actual coloring of the gannet bird which is in stark contrast to the silhouettes of Opposer's marks.
12 Further, the details of the actual birds differ as well. For example, Applicant's gannet mark has
13 wings that are fully integrated and reaching upwards, giving a sense of the deep diving hunting
14 bird. Opposer's seagull mark, by contrast, has bent wings, giving off the impression of every going
15 gliding and soaring days for which the Hallett brand has control its products under.
16 Applicant's gannet design also features a long, athletic body for the gannet and a pronounced beak
17 that highlights the fish that the hunting bird has caught. The fish in particular is of importance as
18 it distinguishes this logo with the same of the company, Gannetfisher. For the reasons set forth
19 above, the additional elements of Applicant's mark compel a different conclusion. Thus,
20 Applicant's mark is not similar to Opposer's mark.
21 Further, marks containing common elements are not likely to be confused if "the matter
22 common to the marks is not likely to be perceived by purchasers as distinguishing sources because
23 it is merely descriptive or dilute." (Daft 177 USPQ2d at 567). Applicant's mark here is sufficiently distinct to avoid
24 likelihood of confusion. *TEMP 1207 F.1d 1093*, see, e.g., *Shaw Mfg. Co. v. Rice Head Ltd.*, 393 F.2d
25 1338, 161 USPQ2d 1685, 1688 (Fed. Cir. 2012).

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1 F.3d 1218, 73 USPQ 2d 1350 (Fed. Cir. 2004) Applicant's mark consists of specific design
2 elements and coloring that are unique to the gannet bird. This is very intentional as Applicant's
3 clothing company is named Gannetfisher. Further, Applicant owns another sister company to
4 Gannetfisher which is Gannet Clothing. Applicant's marks have a theme surrounding the gannet
5 bird specifically. Applicant is not trying to emulate Opposer's seagull, nor would Opposer's
6 seagull mark be mistaken for a gannet. These are marks that have extreme differences. As such,
7 Opposer's and Applicant's marks are unlikely to create similar connotations and commercial
8 impressions and, therefore, no likelihood of confusion exists.
9 **iii. Similarity of Goods**
10 In making our determination regarding the relatedness of the goods, the court will look to the
11 goods as identified in Applicant's Application and Opposer's Registrations. See *Stone Lane Cap.*
12 *Partners, LP v. Linn Cap. LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting
13 *Gleason Sys., Inc. v. Hana Comput. Servs. Inc.*, 918 F.2d 937, 14 USPQ2d 1763, 1787 (Fed. Cir.
14 1990)). The authority is legion that the question of relatedness of an applicant's mark must be
15 decided on the basis of the identification of goods set forth in the application regardless of what
16 the record may reveal as to the particular nature of an applicant's goods, the particular channels of
17 trade or the class of purchasers to which the sales of goods are directed.¹⁰
18 In the present case, Opposer's goods and services through various marks covers classes 25 and
19 35. Regarding class 35, Applicant does not provide retail store services and has no plans to do so
20 as the federal, instead solely offering sales over the internet through e-commerce platforms
21 and their own website. Applicant's website also includes the brand name Gannetfisher which
22 only serves to differentiate Applicant's mark and Applicant's mark further. The company names
23 are very different and taken as a whole, give very different commercial impressions.

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1 Regarding class 25, Opposer's registration mark & quite clear that they only intend to sell their
2 apparel products exclusively through their own retail shops. Through specifying the Hallett Co.
3 retail shops and online retail shops, Opposer has shown that they intend to fully control their
4 inventory for the purpose of sales. Applicant's products will not be sold through any Hallett Co.
5 retail or online retail shops. This is a strong differentiation between the goods of Applicant and
6 Opposer.
7 Opposer does possess two registered marks (385391 and 401991) that do not specify that the
8 products will be sold exclusively through Hallett retail stores, however, these marks do not focus
9 on sportswear, instead focusing on casual fashion and accessories, which differ applicant's future
10 products which will focus on sportswear.
11 As such, there are strong differences between the goods and services being provided by
12 Applicant and Opposer.
13 **iv. Similarity of Trade Channels**
14 The third Daft factor "considers "[t]he similarity or dissimilarity of established, likely-to-
15 continue trade channels." *In re Dixie Rest.*, 105 F.3d 1297, 128 USPQ2d 1047, 1052
16 (Fed. Cir. 2018) (quoting *Daft*, 177 USPQ2d at 567). The trade channels factor considers the
17 modalities and means (e.g., print, media, mass outlets or devices, or online) by which the respective
18 goods are marketed. See *In re Majestic Dining Co.*, 315 USPQ2d at 1284, oral or distributed, see
19 *Kampal Ltd. v. Kampurus USA, Inc.*, 974 F.2d 161, 21 USPQ2d 1594, 1596 (Fed. Cir. 1992).
20 The "mere fact that goods and services may be advertised and offered through the Internet is
21 not a sufficient basis to find that they are sold through the same channels of trade" because
22 "ultimately everything is advertised and sold through the Internet." *Parfums de Cooze, Ltd. v.*
23 *Lauran*, 83 USPQ2d 1012, 1021 (TTAB 2007).

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1 Here, the trade channels of the applicant are distinct in nature as Opposer's products have
2 been particularly emphasized to be sold exclusively through their own website and physical stores.
3 Opposer's trademark registrations are specifically for online retail class 35 or they
4 indicate that the goods they are registered for within class 25 are specifically for goods that are sold
5 within the retail or online retail stores of Opposer. Opposer's goods are not sold in a "for all
6 forms" online nor through a 3rd party platform; they are specifically contained to Opposer's retail
7 shops and online retail shops. Applicant's products will not be sold through any of Opposer's
8 retail store or online retail stores, and Opposer's products will not be sold by Applicant (either
9 through Applicant's own website or on a 3rd party platform). As such, there is no overlap between
10 Applicant's products and Opposer's marks.
11 **v. Sophistication of Purchaser**
12 The fourth Daft factor is the "conditions under which and buyers to whom sales are
13 made, i.e., 'impulse' vs. 'careful,' sophisticated purchasing." *Daft*, 177 USPQ2d at 567. Precedent
14 requires that the board base their decision on the least sophisticated potential purchasers. *In re*
15 *Linn Capital Partners, LP v. Linn Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1163-64 (Fed.
16 Cir. 2014) (recognizing Board precedent requiring consideration of the "least sophisticated
17 consumer in the class").
18 In the present matter, the Applicant intends to sell inexpensive goods. In contrast,
19 Opposer's goods are sold at a wide range of price points, from low-cost to expensive but advertise
20 themselves as retailers of high quality goods capable appeal and accessories with an active, youthful
21 lifestyle in the United States. The largest target markets of consumers of Opposer's goods are
22 trendy teenagers. Consumers of that target market possess a higher degree of sophistication than
23 the average consumer of inexpensive items. Opposer further has evidenced that their mark has
24

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1 received unaided 3rd party use in a variety of trendy films and television shows. The target
2 market of Opposer's goods are consumers that try to emulate what they see in the media they
3 consume. The identity of these kinds of consumers are built on the clothing they wear.
4 Further, as to these brands of Opposer's own trademark registrations, the products being sold by
5 Opposer specifically come from Opposer's brick and mortar or online stores. This is a fact that is
6 known to the consumer of Opposer's goods, which would not be led to mistakenly believe that
7 Opposer's goods have suddenly become available through another company's website.
8 **vi. Force of Prior Mark**
9 In determining strength of [the Opposer's] mark, the court will consider both its conceptual
10 strength, based on the nature of the mark itself and its commercial strength, based on the
11 marketplace recognition value of the mark." *Cook/Brownfield*, 110 USPQ2d at 1476, see also *In*
12 *re Oppenheimer USA, Inc.*, 622 F.3d 1361, 96 USPQ2d 1681, 1686 (Fed. Cir. 2010) ("A mark's
13 strength is measured both by its conceptual strength... and its marketplace strength...")
14 *McCarty, T.J. MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION* § 11.80 (5th ed.
15 2020 updates) ("McCarty") ("The first inquiry is for conceptual strength and focuses on the
16 inherent potential of the terms at the time of its first use. The second evaluates the actual consumer
17 recognition value of the mark in the time registration is sought or at the time the mark is asserted
18 in litigation to prevent another's use.")
19 While this evidence supports a finding of significant merits attributable to Opposer's pluralized
20 marks, it does not suffice for purposes of proving that Opposer's mark is famous under the fifth do
21 fact factor. Indeed, not only do the marks not record the amount of sales and advertising for
22 Opposer's mark alone. In other words, Opposer has not presented evidence sufficient to any of its
23 products, namely, (i) publications and advertisements published between the years displaying
24 Opposer's clothing under its mark featured in nationally-circulated publications such as *Business*
25 *Weekend*, *Yahoo Finance*, and (ii) some, albeit minimal, unaided publicity and social media
26 attention.
27 While this evidence supports a finding of significant merits attributable to Opposer's pluralized
28 marks, it does not suffice for purposes of proving that Opposer's mark is famous under the fifth do
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32 Opposer's clothing under its mark featured in nationally-circulated publications such as *Business*
33 *Weekend*, *Yahoo Finance*, and (ii) some, albeit minimal, unaided publicity and social media
34 attention.
35 Without these numbers and those of competitors, it is difficult to place any comparison on source or
36 means of Opposer's mark into context. Based on, 63 USPQ2d at 1309. In other words, it is
37 impossible to ascertain from this record the extent to which consumers have been exposed to
38 Opposer's goods under its mark vis-a-vis its competitors, and, thus, whether Opposer's evidence

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1 (quoting *In re Cross Breeding Co.*, 343 F.3d 1340, 68 USPQ2d 1059, 1060 (Fed. Cir. 2003)). The
2 conceptual strength of Opposer's mark is not one that affords a high degree of protection. The
3 design itself is a basic design, an silhouette of a gannet bird. There are no artistic details to the bird
4 outside of the basic outline of the body of a seagull, and it is there a wide variety of color. Two of
5 applicant's marks are specifically designed in color, restricting any additional detailing, whereas all
6 of applicant's marks are sold online. Even so, the marks that do not claim color do not have the
7 detailing of a bird, focusing instead on the silhouette of a bird.
8 Further, Opposer's mark is widely known. Even so that does not grant Opposer a monopoly on
9 all bird designs, particularly bird designs that differ enough from their own. Opposer's mark is
10 recognizable, but that also means that a mark that is very different from Opposer's mark would be
11 easy to recognize as not connected with Opposer's mark.
12 **vi. Actual Confusion Length of Time and Conditions Without Evidence of**
13 **Confusion**
14 The seventh and eighth Daft factors examine "[t]he nature and extent of any actual
15 confusion" and "[t]he length of time during and the conditions under which there has been
16 confusion" without evidence of actual confusion." *Daft*, 177 USPQ2d at 567. "The eighth
17 Daft factor... requires us to look at actual market conditions, to the extent there is evidence of
18 such conditions of record." *In re Gold Medal*, 2020 USPQ2d 1079 at 4 (citations omitted).
19 "The absence of any reported instances of confusion is meaningful only if the record indicates
20 appropriate and continuous use by applicant of its mark for a significant period of time in the same
21 markets or over served by opposer under its marks." *Citigroup Inc. v. Capital City Bank Corp.*
22 *Inc.*, 94 USPQ2d
23

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1 In this case, there has been no evidence that any confusion exists or has occurred. While
2 Applicant has yet to begin to sell their product, Applicant has been advertising their future
3 products on their website and various social media platforms including Facebook and Instagram.
4 In the promotion of the future products, Applicant has extensively used the gannet logo, and no
5 consumers of actual confusion for applicant's mark or future products with Opposer's marks.
6 have occurred in the past approximately 4 years. Given that Opposer also advertises its products
7 online through social media, consumers have the ability to access both Opposer and Applicant's
8 marks during that the absence of reported instances of confusion should be taken into account as
9 meaningful when considering a likelihood of confusion exists.
10 **c. Applicant's Mark is Not Likely to Dilute Opposer's Famous Mark**
11 **i. The Degree of Similarity between the Mark the Famous mark**
12 Marks containing common elements are not likely to be confused if "the matter common to
13 the marks is not likely to be perceived by purchasers as distinguishing sources because it is merely
14 descriptive or dilute." *TEMP 1207 F.1d 1093*, see, e.g., *Shaw Mfg. Co. v. Rice Head Ltd.*, 393 F.2d
15 1338, 161 USPQ2d 1685, 1688 (Fed. Cir. 2012). Applicant's mark consists of specific design elements
16 and coloring that are unique to the gannet bird. This is very intentional as Applicant's clothing
17 company is named Gannetfisher. Further, Applicant owns another sister company to Gannetfisher
18 which is Gannet Clothing. Applicant's marks have a theme surrounding the gannet bird
19 specifically. Applicant is not trying to emulate Opposer's seagull, nor would Opposer's seagull
20 mark be mistaken for a gannet. These are marks that have extreme differences.
21 Here, Applicant's mark is composed of a fully colored gannet bird with a fish in its mouth.
22 Applicant's design feature is sufficient to distinguish between the marks. This is especially true in
23 this case where, as here, Opposer's design element is a common generic bird shape, which is not
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1 likely to be utilized by an average purchaser to distinguish the services. *Cy, In re Dixie Rest.*,
2 *Inc.*, 105 F.3d 1405, 41 USPQ2d 1531, 1534 (Fed. Cir. 1997) (finding that the "ordinary
3 consumer shape that serves as a background for the word mark" did not change the commercial
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14 that highlights the fish that the hunting bird has caught. The fish in particular is of importance as
15 it distinguishes this logo with the same of the company, Gannetfisher. For the reasons set forth
16 above, the additional elements of Applicant's mark compel a different conclusion. Thus,
17 Applicant's mark is not similar to Opposer's mark.
18 **ii. The Degree of Recognition of the Famous Mark/ The Degree of the Famous**
19 **Mark's Inherent or Acquired Distinctiveness**
20 Fame of the prior mark, if it exists, plays a dominant role in balancing the likelihood of
21 confusion factors. Based on, 63 USPQ2d at 1305. Fame for likelihood of confusion purposes
22 often as long as a "significant portion of the relevant consuming public... recognizes the mark as
23 a source identifier." See *Palm Bay Indus., Inc.*, 73 USPQ2d at 1694. Such fame may be measured
24

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1 indirectly by the volume of sales and advertising expenditures of the goods sold under the mark,
2 for example, and other factors such as length of time of the mark, widespread critical
3 commentary, notice by independent sources of the products identified by the mark, and the
4 general reputation of the products and services. Based on, 63 USPQ2d at 1309, *Blue Bird*
5 *Productions Inc. v. Tarascom*, 73 USPQ2d 1811, 1817 (TTAB 2005). This information, however,
6 must be placed in context (e.g., a comparison of advertising figures with competitive products,
7 market share, reputation of the product, etc.). *Rest Corp.*, 63 USPQ2d at 1309.
8 The evidence of record shows (1) Opposer's revenues from sales of goods sold under all of its
9 pluralized marks, (2) Opposer's advertising and promotion budget for all of its pluralized marks, (3)
10 Applicant's clothing items are sold under its mark through a nationwide chain of retail stores and
11 even boutiques; (ii) publications and advertisements published between the years displaying
12 Opposer's clothing under its mark featured in nationally-circulated publications such as *Business*
13 *Weekend*, *Yahoo Finance*, and (iii) some, albeit minimal, unaided publicity and social media
14 attention.
15 While this evidence supports a finding of significant merits attributable to Opposer's pluralized
16 marks, it does not suffice for purposes of proving that Opposer's mark is famous under the fifth do
17 fact factor. Indeed, not only do the marks not record the amount of sales and advertising for
18 Opposer's mark alone. In other words, Opposer has not presented evidence sufficient to any of its
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22 attention.
23 Without these numbers and those of competitors, it is difficult to place any comparison on source or
24 means of Opposer's mark into context. Based on, 63 USPQ2d at 1309. In other words, it is
25 impossible to ascertain from this record the extent to which consumers have been exposed to
26 Opposer's goods under its mark vis-a-vis its competitors, and, thus, whether Opposer's evidence

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1 of sales, advertising and media exposure translates into fame of its pluralized mark. Ultimately,
2 Opposer's evidence falls short of establishing that the mark is famous. See *Leading Jewelers Guild*
3 *Inc.*, 82 USPQ2d at 1094.
4 **iii. Whether the user of the mark or trade name intended to create an association**
5 **with the famous mark**
6 In the present case, the applicant is using the trademark "Gannetfisher" because of their
7 fondness for gannets and their belief that these birds embody qualities of elegance and courage.
8 Applicant has created two companies now, one of which is a movie production house and
9 therefore is no way related to Opposer's marks, that incorporate the use of the gannet bird. The
10 logo is clearly a gannet bird, a bird that is known for hunting and deep diving, both actions that
11 are associated with athleticism. This connection is completely logical given that applicant is applying
12 for the mark to use with sportswear.
13 Further, there is no evidence in record that Applicant intended to create an association with
14 Opposer's pluralized marks. The burden is on Opposer to demonstrate the existence of a genuine
15 dispute of material fact to be resolved at trial. *The Clavin Co. v. Salomon*, 108 USPQ2d 1083, 1085
16 (TTAB 2013). *Endbridge, Inc. v. Excederate Energy LP*, 92 USPQ2d 1537, 1540 (TTAB 2009).
17 Opposer may not rest on its pleadings and assertions, but must produce evidence showing the
18 existence of a genuine dispute as to a material fact for trial. See *Horsham & Wicks Inc. v.*
19 *Horsham & Wicks Inc.*, 60 USPQ2d 1733, 1739 (TTAB 2001) ("Applicant has produced no
20 evidence, or raised any expectation that at trial it could produce evidence.") (citing *Kellogg v.*
21 *Pack Etc.*, 14 USPQ2d at 1550 (summary judgment granted in favor of applicant because opposer,
22 in responding to motion, did not set out any evidence that it could produce at trial which could
23 reasonably be Opposer's Nos. 91197584 and 91197585 23 expected to cause the Board to come
24

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1 to a different conclusion). 974 F.2d 1330, 21 USPQ2d 1142 (Fed. Cir. 1991). Opposer was
2 afforded the opportunity to conduct discovery relating to Applicant's subject motion, yet it
3 proffers no evidence whatsoever that raises any genuine dispute of material fact as to the issue of
4 intent on Applicant's part to use a flying bird in their logo to indicate an association with Opposer.
5 **iv. Any Actual Association between the Mark and the Famous Mark**
6 The record is also devoid of any evidence of actual association between Applicant's Mark and
7 Opposer's marks. See *Citigroup, 94 USPQ2d at 1688* ("Since we have no evidence on which to
8 conclude that potential consumers of applicant's services would make any association between the
9 parties' marks when used in connection with their respective services, this dilution factor favors
10 applicant.").
11 Applicant did not intend to create an association with Opposer's marks, and no actual
12 association between Applicant's Mark and Opposer's pluralized marks exist. Accordingly,
13 Applicant's Mark will not impair any assumed distinctiveness of Opposer's assumably famous
14 marks. See *Clavin Co. v. Salomon*, 110 USPQ2d at 2024 (citing *Nike Inc. v. Moler*, 100 USPQ2d 1018, 1023
15 (Opposition Nos. 91197584 and 91197585 24 (TTAB 2011) (dilution requires a conclusion "not
16 only whether there is an 'association' arising from the similarity of the marks, but whether such
17 association is likely to 'impair' the distinctiveness of the famous mark.")).
18

19 **VI. CONCLUSION**
20 Applicant has shown that a preponderance of the Daft factors and dilution by
21 showing elements weigh in favor of Applicant's mark not causing likelihood of confusion or
22 dilution against Opposer's marks. According, Applicant respectfully requests that the Board
23

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1 allow for the continuation of the application proceeding for serial number 8555568.
2 Date: April 14, 2023
3 By:
4
5 *(s/ Lillian Khawari)*
6 *Lillian Khawari*
7 *Law Office of Lillian Khawari*
8 **Attorney for Applicant**
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promotion, including past partnerships with social media influencers, musicians, and celebrities including Charlie and Dixie D'Amelio, Bill Nye the Science Guy, Khalid, Noah Cyrus, and Emma Chamberlain (27 TTABVue 6, Opposer's Brief; 16 TTABVue 6, Kanner Decl. ¶ 21, Ex. 28). See, e.g., *Planters Nut & Chocolate Co. v. Crown Nut Co.*, 305 F.2d 916, 920 (CCPA 1962) (opponent established that design mark for an animated peanut was a famous mark and "became so through spending \$100,000.00 a year for 10 years to advertise it").

Applicant also argues that Opposer has not shown sufficient evidence of fame because the record shows how Opposer's sales and advertising figures compare to its competitors in the industry (29 TTABVue 19, Applicant's Brief). Given the highly confidential and proprietary nature of these type of figures, these exact figures are not public, however, Opposer cites to both comparative social media followings and prior Board rulings with similarly situated consumer product brand figures. Specifically, Opposer's Brief cites to evidence showing that Opposer's social media following exceeds that of similarly situated retail companies such as Banana Republic, American Eagle Outfitters, and Aeropostale (27 TTABVue 13). Opposer also cites to prior Board rulings that recognize the fame of other similarly situated consumer product brands given evidence of sales, advertising figures, non-solicited media coverage, and other indications over time that are similar to, and very often less compelling than, the evidence Opposer has provided in this action. (27 TTABVue 31-32, Opposer's Brief).

C. Whether Applicant Intended to Create an Association with the Famous Mark

Applicant argues there is no evidence of record to support that Applicant intended to create an association with Opposer's pleaded marks, and explain he uses the applied for mark in connection with his business "Garnitfisher" (29 TTABVue 26, Applicant's Brief). However, Applicant also alternatively states the evidence in the record supports a finding of "significant

revenue attributable to Opposer's pleaded marks." (29 TTABVue 19, Applicant's Brief). As set forth infra, the degree of recognition of the Hollister Bird Mark is substantial, including coverage in nationwide magazines and newspapers, appearances in television shows and movies and nationwide, numerous unsolicited references on the Internet identifying celebrities wearing Opposer's Marks, billions of dollars in sales, and *hundreds of millions* of visits to the A&F website (27 TTABVue 48-49, Opposer's Brief; 16 TTABVue 2-5, Kanner Decl. ¶¶ 6, 9, 11, 15 TTABVue 4-8, Notice of Reliance ¶¶ 14-19, 20, 22, 23, 25, 27-29, 31, and 33, Exs. 14-19, 20, 22, 23, 25, 27-29, 31, and 33). Accordingly, consumers, upon seeing Applicant's use of Applicant's Mark on his goods, are likely to be immediately reminded of the famous Hollister Bird Mark and associate Applicant's use with A&F.

D. Any Actual Association

Applicant admits that he has not started using Applicant's Mark on the applied for goods, and where, as here, the application is filed on an intent to use basis and there has been a limited opportunity for the public to make any actual association between the parties' design marks, the factor "actual association" between Applicant's Mark and the famous mark is neutral. *New York Yankees Pulp*, 114 USPQ2d at 1509.

IV. Conclusion

For the reasons set forth in Opposer's Brief and above, and based on the evidence in the record, A&F respectfully requests that the Board refuse registration of Serial No. 88555046 for Applicant's Mark for the goods and services specified therein pursuant to Section 2(a) of the Trademark Act and 43(c) of the Lanham Act, based on a likelihood of confusion and dilution, and sustain the present opposition proceeding in favor of A&F.

Dated: May 1, 2023

Respectfully Submitted,
Attorneys for Abercrombie & Fitch Trading Co.

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer's Reply in Support of its Trial Brief has been served on Applicant, Srinivas Rao Gubbala, on May 1, 2023, via email at billm@khorowitz.com.

Kristin E. Wells
Kristin E. Wells
Attorney for Opposer Abercrombie
and Fitch Trading Co.

Trademark Trial and Appeal Board Electronic Filing System <https://www.uspto.gov/efiling>
ESTTA Tracking number: **ESTTA/202303**
Filing date: **05/09/2023**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
Protesting to:	Respondent
Party:	Abercrombie & Fitch Trading Co.
Correspondence address:	SEAN M KAYER K&L GATES LLP 1601 K STREET NW WASHINGTON, DC 20006 UNITED STATES Primary email: sean.kayer@kgates.com , WATrade- Service email: sean.kayer@kgates.com , WATrade- sean.kayer@kgates.com , ADF@sean@kgates.com 202-778-9000
Submissions:	Request for Oral Hearing
Filer's name:	Joann M. Kayer
Filer's email:	joannmayer@kgates.com , kayer.joann@kgates.com , terrence@kgates.com , eric.lee@kgates.com , sean.kayer@kgates.com , eric.lee@kgates.com
Signature:	Joann M. Kayer
Date:	05/09/2023
Attachments:	Request for Oral Hearing.pdf (170308 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Abercrombie & Fitch Trading Co.,
Opposer,
v.
Srinivas Rao Gubbala,
Applicant.

Opposition No. 91255288
Application No. 88555046
Subject Mark:
Published: November 27, 2019

OPPOSER'S REQUEST FOR ORAL HEARING

Pursuant to TBMP § 802, Trademark Rule 2.123, Opposer Abercrombie & Fitch Trading Co. ("Opposer") respectfully requests an oral hearing in Opposition No. 91255288. Opposer plans to attend in-person, and Applicant plans to attend by video conference. Opposer and consent for Applicant Srinivas Rao Gubbala ("Applicant") have conferred and agreed that both parties are available and intend to participate in an oral hearing on the dates listed below:

- June 20, 2023
- June 21, 2023
- June 22, 2023
- June 27, 2023
- June 28, 2023
- June 29, 2023

Dated: May 9, 2023

Respectfully submitted,
By *Joann M. Kayer*
Joann M. Kayer

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*Attorneys for Opposer
Abercrombie and Fitch Trading Co.*

I hereby certify that a true and complete copy of the foregoing Opposer's Request for an Oral Hearing has been served on consent for Applicant, Srinivas Rao Gubbala, on May 9, 2023, via email at billm@khorowitz.com.

Kristin E. Wells
Kristin E. Wells
Attorney for Opposer Abercrombie
and Fitch Trading Co.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1481
Alexandria, VA 22313-1481
General Contact Number: 877-272-4500
Hearings Email: TTAB@hearings@uspto.gov

June 8, 2023

Opposition No. 91255288

Abercrombie & Fitch Trading Co.

v.

Srinivas Rao Gubbala

By the Trademark Trial and Appeal Board:

This proceeding is fully briefed. The Board notes Opposer's request for an oral hearing, filed on May 9, 2023, pursuant to Trademark Rule 2.123(e). In its request, Opposer provided several available dates to June to attend the oral hearing, indicated that Opposer plans to attend in-person, and Applicant plans to attend by video conference. Unfortunately, the Board was unable to schedule this case on its calendar prior to the expiration of the previously provided dates. The delay is regretted.

Opposer is alerted until **fifteen days** from the date of this order to submit, through ESTTA, a written response to this order which provides at least three non-consecutive, agreed-upon dates and times for the hearing, such dates being between six to eight weeks beyond the mailing date of this order. Until further notice, the Board will only conduct in-person hearings when both parties agree to appear in

Opposition No. 91255288

person. Therefore, Opposer should take this into consideration when responding to this order.

The Board will only consider any possible hearing dates and times, those upon which the parties have agreed. If the non-requesting party has informed the requesting party that it does not plan to participate in the hearing, then the requesting party may provide dates and times of its choice, so long as they meet the other requirements of this order. Note that hearings are held on Tuesdays, Wednesdays and Thursdays, between 10:00 a.m. and 3:00 p.m. Eastern Time.

If the Board does not receive a timely response to this order, the request for an oral hearing will be considered to have been waived, and the matter will be submitted for decision on the record and briefs.

Once the Board has received an acceptable response to this order providing the necessary information, and has confirmed the hearing date and time, the Board will issue written notice of the hearing. See Trademark Rule 2.123(e) and TBMP § 802.03. A party that does not state in its request for oral hearing, or in its response to the Board's order acknowledging that request and directing the party's further action, a clear intent to participate by video conference is expected to appear in person, and it may not be able to switch to video participation without also rescheduling any already scheduled date for the hearing. To request participation by video hearing for the first time after the date for a hearing has been set, the requesting party must contact the Board's Hearing and Decision Specialist at TTAB@hearings@uspto.gov, no fewer

Opposition No. 91255288

than fifteen business days prior to the scheduled oral hearing and obtain express approval to appear by video.

Also, whenever any party has expressed its plan to attend the hearing by video conference, it is the party's responsibility to contact a USPTO video conference technician by email at VTC@uspto.gov no fewer than three business days prior to the confirmed hearing date with the following information: 1) the proceeding number(s); (2) the date and time of the hearing; and 3) the type of equipment that the party plans to use. A video conference technician will arrange a test of the equipment the party plans to use. The USPTO does not provide parties with the means to participate by video conference.

If a party decides, after submitting a request for oral hearing, that it no longer desires an oral hearing, the party should file a waiver of the oral hearing request through ESTTA. The matter will then be taken out of the Board's oral hearing docket, and scheduled to be decided on the record and the briefs.

Questions or inquiries regarding the hearing can be directed to TTAB@hearings@uspto.gov.

Trademark Trial and Appeal Board Electronic Filing System <https://www.uspto.gov/efiling>
ESTTA Tracking number: **ESTTA/202301**
Filing date: **06/03/2023**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
Protesting to:	Respondent
Party:	Abercrombie & Fitch Trading Co.
Correspondence address:	SEAN M KAYER K&L GATES LLP 1601 K STREET NW WASHINGTON, DC 20006 UNITED STATES Primary email: sean.kayer@kgates.com , Service email: sean.kayer@kgates.com , WATrade- sean.kayer@kgates.com , ADF@sean@kgates.com 202-778-9000
Submissions:	Oral Hearing Submission
Filer's name:	Joann M. Kayer
Filer's email:	joannmayer@kgates.com , kayer.joann@kgates.com , terrence@kgates.com , eric.lee@kgates.com , sean.kayer@kgates.com , eric.lee@kgates.com , sean.kayer@kgates.com
Signature:	Joann M. Kayer
Date:	06/03/2023
Attachments:	Opposer's Responses to Board Oral Hearing.pdf (170308 bytes)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer's Responses to Board Order Regarding Oral Hearing has been served on Applicant, Srinivas Rao Gubbala, on June 23, 2023, via email at billm@khorowitz.com.

Kristin E. Wells
Kristin E. Wells
Attorney for Opposer Abercrombie
and Fitch Trading Co.

UNITED STATES PATENT AND TRADEMARK OFFICE
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Opposition No. 91255288

Abercrombie & Fitch Trading Co.

v.

Srinivas Rao Gubbala

Scheduled for: 02/02/24

Hearing Date: October 24, 2023

Time: 2:00 PM (EDT)

Virtual Conference

The Board has scheduled an oral hearing in the above identified proceeding for the date and time indicated above.

Whenever any party has expressed its plan to attend the hearing by video conference, it is the party's responsibility to contact a USPTO video conference technician by email at VTC@uspto.gov no fewer than three business days prior to the confirmed hearing date with the following information: 1) the proceeding number(s); (2) the date and time of the hearing; and 3) the type of equipment that the party plans to use. A video conference technician will arrange a test of the equipment the party plans to use. The USPTO does not provide parties with the means to participate by video conference.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Abercrombie & Fitch Trading Co.,
Opposer,
v.
Srinivas Rao Gubbala,
Applicant.

Opposition No. 91255288
Application No. 88555046
Subject Mark:
Published: November 27, 2019

**OPPOSER ABERCROMBIE & FITCH'S RESPONSE
TO BOARD ORDER REGARDING ORAL HEARING**

Opposer Abercrombie & Fitch Trading Co. ("Opposer") responds to the Board's June 8, 2023 Order (TTABVue 31) (the "Hearing Scheduling Order") as follows:

Opposer and Applicant Srinivas Rao Gubbala ("Applicant") have conferred regarding the Hearing Scheduling Order. Unfortunately, the parties are not mutually available during the date range set forth in the Hearing Scheduling Order. Per Opposer's call with the Board to discuss scheduling, Opposer and Applicant conferred regarding their availability outside the date range set forth in the Hearing Scheduling Order. Opposer and Applicant have agreed that both parties are available and intend to participate in the oral hearing on the dates listed below:

- October 17
- October 18
- October 24
- October 25
- October 26

Opposer continues to prefer to attend the hearing in person, while Applicant prefers to attend the hearing by video conference. Per the Hearing Scheduling Order, the parties understand that under these circumstances the Board will schedule the hearing by video conference only. If

